

G. R. S. 58]

Previous references.

S. R. File No. 17 7/1900

1900-01.

Serial Nos. 1-31.

(Sep. Revenue)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-34

Major
Part B for July 02.

SUBJECT.

Appeal of Sagaku Venkata Chalamiah, against
the order of the Dy Commr, Bangalore Distt.

Sl 1. From Sagaku Venkata Chalamiah, Kodasetta, Bangalore.
Petition Register no 436, & 31-8-00.

Submits an appeal petition against the order of the Dy Commr
praying that Rs 4000/- and interest thereon may be ordered
be paid to him out of the monies recovered from the parties
who took charge of the properties mortgaged, or the Dy
Commr may be directed to pass a judicial order in the Court.

Sl 2. To the Dy Commr, Bangalore Distt.

GPB-5,000-22-10-10

No Pet-396, & 22/9/00

u d
Forwards the above petition with its two enclosures call
for submission of the entire Proceedings connected with

sl 8. From Pazaku Venkata Chalamiah, Dodapettn
Bangalore city

Petition Register No 1660 & 16/2/01.

Submits petition praying leave for a day to be fixed for his appeal against the Dy Commr's decision which he submitted on 31-5-00 & for which Govt-Order no 430 & 12 Sep 1900 was issued.

sl 9. From the Dy Commr, Bangalore city.

D No 1300, & - 22/23 Feb 1901.

Submits with records further report on the Sale of the property of Messrs Rudappa Chetty on a p of Ab Kari. Revenue due from him.

sl 10. From P. Venkata Chalamiah, Bangalore.

Petition Register No 1769 & - 6-3-01.

Submits Petition praying that a day may be fixed to hear his Case.

sl 11. From P. Venkata Chalamiah, Bangalore city

Petition Register No 2191 & - 25-4-01.

Submits petition praying that a date may be fixed for hearing the said Petition along with the Dy Commr's report and that he may be allowed to engage an advocate as prayed in his Previous Pet.

sl 12 From Ram Puttappa Chetty, Tumkur.

Petition Register No 2358 & - 11-5-01.

Submits petition praying that the order of the Dy Commr may be set aside, and that pending disposal of his petition, the Dy Commr, Tumkur Distt may be asked not to take any steps for the recovery of the amount from him.

sl 13. To the Dy Commr, Bangalore Distt.

No 9204/Pet-1764 & 20-5-01.

Directs that Rs. 347/- may be paid to Pazaku Venkata Chalamiah, as he has an equitable claim to that sum, and requests to report if any further steps have been taken by him to recover the Balance of arrears due from the Defaulters.

sl 14. To the Exeise Commr in Mysore

No 10068 & 20-6-1901.
Ex 575

Requests him to instruct the Dy Commr Tumkur Dist to stay further proceedings in the matter of pending disposal by Govt of the Petition of Vani Puttappa Chetty of Tumkur, as regards the cessation of his liability as surety to B. C. Rudrappa &c.

sl 15 To the Exeise Commr

No 11793 & 18th Jan 1902.
Ex 256

Requests that the Exeise Commr will ascertain and report the exact terms on which Gura Basappa got the articles still under attachment, and before sale, and also whether it was a clear sale and purchase, and if Gura Basappa bound himself to pay up the Govt arrears if the Articles were restored to him.

sl 16. From the Dy Commr, Bangalore Dist.

No 817 & 18
20 Jan 1902.

States that consequent upon the receipt of a Notice under Sec: 424 C.P.C received from Mr D. Venkata Ramaiyya, Advocate on behalf of his client P. Venkata Chalaniah, for the restoration of the hypothecated properties of B. C. Rudrappa Chetty, late Teddy Contractor, the Advocate has been informed of the final orders of Govt in the matter.

sl 17. ~~States that~~ To the Exeise Commr in Mysore

No 12191 & 23-1-1902.
Ex 261

States that the report already called for may be submitted at an early date.

sl 18. From the Dy Commr, Bangalore Dist.

No 996 & 28 Feb 1902.
1st March

Submits for orders copy of a docket from the Registrar of the Chief Court of Mysore with two of its enclosures in the matter of a Notice issued by Mr D Venkata Raniiah Advocate on behalf of his client P. Venkata Chalaniah.

sl 19. To the Exce Cmnr in Mysore.

Ex No 309, D 4-3-1902.

Call for further information in the matter of the recovery of Rs 367/- due from Vani Puttappa Chetty of Tumkur to Pagaku Venkatachalamiah and the restoration of the latter of certain household property mortgaged to him by B.C. Rudrappa Setti late Toddy Contractor.

sl 20

To the Dy. Cmnr, Bangalore Dist.

No Ex 310 D 5-3-02.

Requests attention to the Govt Proceedings No 4668-79 Cr. 137, D-12-9-1898, in the matter of suits filed against Govt officers and requests that necessary action may be taken in accordance with those proceedings.

sl 21.

To the Exce Cmnr No Ex 330 D 11-3-02.

Please see
for serial
21 below

Requests, with reference to the Secty's No 310 D 5/3/02. in the matter of the civil suit filed by P. Venkatachalamiah in the Chief Court, the submission of a very early report on the action taken by him in the matter.

~~sl 22~~ sl 21.

To the Exce Cmnr No 329 D-11/3/02

Requests attention to the Secty's Nos $\frac{11793}{Ex 286}$, D 18/1/02, $\frac{12191}{Ex 261}$ D 23/1/02, Ex 309 D 4-3-02, and D O $\frac{12191}{Ex 261}$ D 5-3-02, in the matter of the civil suit filed by one Pagaku Venkatachalamiah, against the Dy Cmnr, Bangalore Dist.

sl 22

To the Exce Cmnr No Ex 330 D 11/3/02

Requests with reference to the Secty's No 310, D 5-3-02 in the matter of the civil suit filed by P.V. in the Chief Court, the submission of a very early report on the action taken by him in the matter.

sl 23.

From the Dy Cmnr, Bangalore Dist

D No 1032, D $\frac{11}{12}$ March 1902.

States that the Govt Advocate has been instructed to move the ~~the~~ Chief Court for an adjournment of the case of P.V. against the Dy Cmnr of Bangalore Dist for 3 months.

824. From the Dy Commr, Bangalore Dist No 1034 & 12/3/02
States that the report regarding the action taken in the matter of a civil suit brought by P.V. who already submitted
825. From the Exrse Commr in Mysore
No 5604 & 12/3/02
243
States that urgent reminders have been sent to the Dy Commr, Bangalore Dist for the requisite report and records in the matter connected with the civil suit filed by P.V.
826. From the Exrse Commr No 5653 & 14-3-02
245
Submits copies of Bangalore Dist Dy Commr's Committee together with his own opinion in the matter of P. Venkata Chiamiah's civil suit against the Dy Commr.
827. To the Dy Commr, Bangalore Dist No 15839 & 22-3-1902.
339
States that his action with regards to adjournment of the case has been approved, and an early submission of result has been awaited.
828. From the Exrse Commr No 6256 & 7-4-1902.
269
States that file suit filed in the Chief Court by P.V. against the Dy Commr, Bangalore Dist has been adjourned to 1st July 1902.
829. To the Dy Commr, Bangalore Dist No 501 & 21-5-02.
Ex
Returns the records requesting that a draft of the written statement of which P.V. proposes to file along with brief arguments in support of each ground, be submitted as quickly as possible.
830. From the Exrse Commr No 8671 & 27-6-1902.
426
Submits herewith the entire records together with the written statement received from the Dy Commr, Bangalore Dist, to be filed in the Chief Court in C.S. No 5 of 1901-1902, instituted by P.V. against the Dy Commr, Bangalore Dist & others.
831. To the Dy Commr, Bangalore Dist No 49 & 8-7-02.
27278
Returns the records with the written statement as slightly altered in this office be filed in the Court & that the Govt. Advocate be asked to contest the suit.

✓

S.R. 17 17-900-01

Deewan's Note on the Dy. Commr's

Docket no D 941.

On page 244 This file

82 6,

"This report is extremely unsatisfactory, and in fact the whole transaction is characterized by delay & want of method which do not reflect credit on those concerned. It is stated in Mr. Green's report that after some property was released in favour of one Gurus Basappa, property to the value of 1253/826 was sold. It is reported that the payment to the auctioneer was calculated at 10%. This rate is very exorbitant and the appointment of an Auctioneer was scarcely necessary. The payment even at this liberal rate of 10% would have amounted to Rs 125/- only. Why was this large sum paid to him?

MB

Androffra Chelly J. ~~Thompson~~ ⁹⁹
9-4

The record contains
no explanation
of the ~~the~~ ^{will} payment
~~for~~ ~~and~~ what
authority had the
late Dr. ~~and~~ ^{bookman}
Chelly to declare
that forrobasappa
was not liable to
the hypothecate
of the goods - there
even when a good
in any irregularities
in the case and
developed that
should have been
called for
and none of the above
points have been
fully explained -
call for a further
detailed report
& when submitted
which should be without
any delay ~~at~~ a
good price must
be submitted
A price should have
been now made

Prepare
his
8/2/07

Off int. Wk
Bm
3/2

5.2.07
Heizer

Amount recovered from Supers. Kudappa Chetty & Nanjima,
towards Rs. 11,117-5-8 due by him to Govt towards their
Contract. Vide p. 84.

1. One month's Rent of the City Shops
deposited - - - - - 1083-5-4
2. Do - outlying Shops - - - 450-2-2
3. Interest on bonds deposited on acct of 97-98 - 56-4-2
4. Profits on Kuppi today recovered from shop No. 9. 38-8-
5. Carts &c. attached & sold by Municipal Supt. & credits towards Tree Tax of said Saluk - 211-10-2
6. Do - Melamangala & credits
towards City Khist - - - - - 156-11-2
7. Amount of two instalment paid on acct. of
Harshalli Tree Tax - - - - - 177-1-4
8. Paid by Kudappa Chetty into the Treasury
on account of City Khist - on 31-5-99 - 1980-2-2
9. Do - on 25-10-99 - - - - - 1500-2-2
- 10 - Do - on 11-12-99 - - - - - 1000-2-2
- 11 - Amount realised by the Sale of articles - minus
Commission & other charges - - - 725-6-4
- 12 - Amount recovered from furnabappa on
21-3-00 - - - - - 600-2-2
13. Do - Do on 26-6-00 - - - 603-3-5

8582.1.5

Petition No. 430 of 31 August 1900

Petitioner - Bagaku Venkata -
- Chelima - residing
in Dodpetta - Bangalore

Subject

Appeal against the order of the
Dy. Commr., Bangalore District -
in re the sale of furniture secured
mortgaged to him by Rudra, for
Setti for the amount due to him
by the latter to foot towards the
toddy contract.

The facts of the case are :-

Messrs. B. C. Rudrappa Setti
and Nanjundappa Setti were
the toddy contractors of the Banga-
lore City for 1898-99. Their

Sureties were Mafanna Lettara
Pallappa Letti of Tumkur and
Perubasappa Letti of Bangalore.

Vice Jamin Muchalikar
P.P. 72 & 79.

2. The amount of rental due by
the Contractors for six months
viz. from August 1898 to January
1899 having fallen into arrears
their property both moveable
and immovable were on 11-1-99
attached. Steps were also taken
for the attachment of the toddy carts,
casks &c. belonging to the defaulting
Contractors which were at Tipkūr,
Kunigal, Harohalli &c.

Vice J.P. 1 to 6

3. Whereupon the Contractors
submitted on 19-1-99 a petition
to Govt. praying that arrange-
ments might be ordered to be
made to resell the City toddy farm
and that the arrears due by them

Vice Pro. No. $\frac{6286-7}{\text{Ex. 246}}$ of 7-3-99.

Rental for 6 months from Augt. 98 to January 99	9,200-4-4
Tee tax	1,239-9-4
Arrears of last year	677-12-4
Total	11,117-5-8

No. 78 of 16-5-99
p. 20

might be remitted. ✓

4. The Govt. as a matter of grace abstained from re-covering from them the loss due to foot. by the resale of both under rent and tree tax and directed that they should pay at once Rs. 11,117-5-8. Vice Mayor.

5. Thereupon proceedings were set on foot for the recovery of the amount and a notice was issued to the defaulters. But as they failed to pay the amount in time the Amildar of Bangalore proposed for the sale of the articles under attachment and recommended that as Messrs. Abraham and Co. demanded 15 per cent commission for the sale, Messrs. Kartasaratli Moodliar and Co who had agreed to take 10 per cent

would be given the job. The Dy-
-Commr. Mr. Puttanna Chetty in ap-
-proving of the proposal crossed
to the effect that if the defaulters
paid up the money before the date
of auction Mr. Partāsaratī Moodr
could only claim the expenses
actually incurred by him.

6. Steps were also taken to pro-
-ceed against the property of the
Sureties and thus by 27th March
1900 Rs. 7978-14-2 were re-
-covered.

+ Vide list appears

7. Subsequent to this sale of the ^{some of} articles
of furniture etc. which was conducted
by Messrs. Partāsaratī Moodr & Co.
on the 9th, 23rd and 24th October 1899

Messrs. Ruorappa Setti and Manjunath
submitted a petition to the Dy.

Commr. on 25-10-99 praying that
-as the sale by foot. of their property
under attachment by the Revenue
Department was putting them

Vide p. 94

2
to ³lop they might be permitted
to dispose of the said properties
by private sale and that the
properties might be released
from attachment.

8. On this the Dy. Commr. Mr.
Puttanna Chetty passed the
following order:-

"The defaulters Rudrappa
Chetty and Nanjundappa have
made arrangements to pay
up the balance of the foot. dues
before the sale of all the articles
attached by foot. was concluded
-ed, by private sale to Suru-
-basappa and Huchappa of
the articles remaining un-
-sold by foot. it is hereby ordered
that the unsold properties be
released from attachment

d. 26-10-99
h. 95

+

in favor of the said purchasers
and assigned to them as a credit
by Kuraappa Setti and Nanjund-
appa. Such interest as the
mortgagor had in the said pro-
perties will henceforth vest
in the said purchasers."

9. On the same day Kuraappa
Setti agreed to pay up the balance
due by the defaulters after de-
ducting the amount realised by
the sale of the articles and the
amount of compensation due
to the defaulters for his land
taken up for plague camp.

10. In the meanwhile i.e. on
the 23rd October when the house-
hold furniture of the defaulters
were being sold petitioner Pappu
Venkatachelmia re submitted
a petition to the Dy. Commr. through
his advocate Mr. S. Venkataramia

Voi Muchalika 1/25-10-99
p. 89

Voi p. 90

to the following effect: -^u

Petitioner has obtained decrees against Messrs. B. C. Raoappa Selly and Nampudappa, Abhaya Contractors, to the extent of Rs. 11,000.

When the petitioner tried to execute one of the decrees the said contractors hypothecated their furniture, carriages and other moveable properties for Rs. 4000 by executing a duly stamped deed of hypothecation in petitioner's favor on 5-8-98.

The properties hypothecated were attached by foot for arrears due from the contractors to foot.

The petitioner represented her claim and prayed for the release of the properties.

Moores have been passed on his petition.

Vol last p. 91

+ of 5-8-98
Vol p. 101.

+ not forthcoming in the file

Messrs. Pantasarati Moodbr. & Co.,
Auctioneers have commenced
the sale of the said properties
this morning.

The said sale is prejudicial to
the rights of the petitioner.

The petitioner prays that his
claim may be investigated
and ordered in accordance
with the law.

11. On 24-10-99 the Dy. Commr. Mr.
Pattanna Chetty referred the petition
to the Excise A. & S. Commr. for enquiry
into the claim. On 4-12-99 the
latter officer ordered to give notice
to the parties. On 14-12-99 the
papers were brought up to Mr.
K. R. Srinivasan who on
15-12-99 directed that notice be
given to petitioner and also the
contractors to appear on the
18th instant (Monday). Accordingly
notices were issued to the parties and

Vide p. 99

Mr. Rajagopalacharya.

Vide p. p. 97 & 98

of 18-12-99
p. 103

+ Visip. 79.
3-1-00
p. 103.

20-1-1900

3 On their appearance the above of-
ficer passed the following order:-

"Messrs. Venkataswalia and
Nanjundappa are present. The
sale records are not here and a
reference to them is necessary
to decide the case. The records will
be called for. The parties are asked
to come on the 23rd inst. (Saturday)"

12. The records were accordingly
sent for and on going through it
the District Collector submitted the case to the Dy. Commr.
for orders with the following re-
mark:-

"I find from the enquiry made
by me that the defaulters Nan-
jundappa and Rudrappa Setti
had hypothecated their furni-
ture, carriages etc. to Venkata-
swalia. But the properties
have since been sold part
by foot and part by the

defaulters themselves by private negotiations and the proceeds have been credited towards the arrears.

(vide paper no 68 in X
the file now received with
the Secy Commr's letter of 12/3/02
p. 102 12th March 1902 now
under disposal.)

13. On 20-3-00 the petitioner sub-
-mitted another petition to the Dy.
Commr. to the following effect

His case is still pending. His re-
-minder petition of 23-10-99 was
partly enquired into by Mr. K.R.
Srinivasaswami, Asst. Commr. He
was informed that the records
were called for by the Dy. Commr.
He prays that as the case is long
pending, the petition may be
enquired into either by him or
be sent back to Mr. K.R. Sriniv-
-adaswami to complete the enquiry.

14. Mr. K.R. Srinivasaswami after
ascertaining that the surety of the
contractors has not been dis- + Vide p. 103
-charged submitted to the Dy. Commr.

for order the following memo. of 29-5-00 p. 104.

X (vide ab

✓ Under a document of 5-8-98
Rudrappa Setti and his brother,
hypothecated a certain number
of carriages, horses, lamps,
mirrors, sofas, chairs, tables
and other things to Venkata
Chalia for some money which
they owed him. Subsequently
Rudrappa Setti's moveable pro-
-perties including those hypothe-
-cated to Venkata Chalia having
been attached and brought to sale
under the orders of the Dy. Commr.
for the recovery of the Excise arrears
for 98-99, Venkata Chalia petitioned
the Dy. Commr. for the release of the
properties that had been hypo-
-thecated to him. Before his
claim could be enquired ^{into} ~~to~~ part
of the attached properties was
sold for Rs. 1253-5-6 and the
rest was at the request of

Ruorappa Letti released from attachment in favor of firm - Basappa of Banfalore to whom Ruorappa Letti conveyed the properties by private sale. Of the amount realised from the Auction sale Rs. 478-4-6 had to be paid to the Auctioneer towards his Commission and other expenses and the balance viz Rs. 775-1-4 was credited to foot.

(2) The hypothecation in favor of Venkatachalia having been made in August 1898 before the excise arrears for 1898-99, became due and the hypothecated properties were brought under attachment, he has a prior claim over the hypothecated properties as against the foot. Consequently, I think that if the foot has sold any of the hypothecated properties, he is entitled to the payment

vide bills p. p. 47248

(1) bill for Rs. 211-13-10 for advertisement charges

(2) do - 141-1-4 for the feed of 74 horses for 32 days

(3) Comm. @ 10% on Rs. 125-5-6 paid by the sale of the articles. Rs. 125-5-6.

See list p. 90.

of their sale proceeds.

(3) Most of the hypothecated properties have not however been sold but were included in the list of properties released from attachment in favor of Surubasappa at the request of Rudrappa Setti who sold them to him by private negotiation. As the foot. did not sell these properties but released them from attachment on Rudrappa Setti arranging with Surubasappa for the payment of the outstanding arrears, I think that Venkatacheli can have no claim against foot. regarding them, but has to seek his remedy against Rudrappa Setti in the matter.

(4) As regards the properties which were sold by foot. on

the 9th, 24th and 25th October, Venkata

Vide p. 44 & 92

Chalia seems to be entitled to the value of such of them as had been hypothecated to him in August 1898.

Scrutinising the list of the articles sold by the Auctioneer, I find that only the following properties among them are among those hypothecated to Venkata Chalia

(1) Hinks Duplex Small Lamp Rs. a - 14	
(2) Two hanging lamps - - - - 6 - 6	
(3) Table lamp - - - - - 5 - 4	
(4) Dilmari hanging lamp - - - - 10 - 8	
(5) Three globes - - - - - 12 - 4	
(6) Piano - - - - - 51 - 4	
(7) Arm chair - - - - - 6 - 2	
(8) Cotton Carpet - - - - - 16 - 4	
(9) Cot with accessories - - - - 357 - "	
(10) Mirror - - - - - 56 - "	
(11) 24 pictures (out of 48 sold) - 39 - 6	
561 - "	

Vide p. 92.

Deducting from the above amount the proportionate share of commission, viz. Rs. 244 (calculated at Rs. 478 - 4 - 6 for Rs. 1253 - 5 - 6) the amount to which Venkata Chalia is entitled at the hand of Govt. will

8/ Rs. 347. This amount may be recovered from Rudrappa Setti and his sureties Surubasappa of Bangalore and Vani Pullappa Setti of Tumkur and paid to Venkata Challa.

1-6-00
p. 104

15- Whereupon the Dy. Comm. Mr. Puttanna Chetty passed the following order:-

"Venkata Challa's claim was referred to Mr. Rajasopalasha who was then in charge of the Excise Dept. of this District. I am sorry he did not promptly enquire into the claim or report upon it. If he had done so, all this trouble would have been avoided. Rs. 347 may be recovered from Vani Pullappa Setti of Tumkur and paid to Venkata Challa. Surubasappa is not responsible for this claim.

5. On 2-6-00 the above order was
communicated to Advocate Mr. Venkata
Ramin and an endorsement issued
to the petitioner to the following
effect:-

No. 299 of 27-6-00
Enclosed in the
petn. of appeal.

The properties of B. C. Rudappa
Petti were attached on 11-1-99.
Their sale commenced on 9-10-99
and you submitted the petition
subsequently i. e. on 23-10-99
by keeping yourself quiet so
long. In spite of this it was
decided after due enquiry that
out of the amount realised by
the sale of the articles hypothecated
to you you should get Rs. 374/-
after deducting from it the auctioneers
commission - and that the same
should be recovered and paid to
you.

A yadi was also addressed to the
Dy. Commr. Tumkur District for
the recovery of the amount from

P. 104

h.p. 1062107.

No. 40 of 25-8-00
h. 45

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The Surety.

17. On 3-8-00 the petitioner applies for a copy of Mr. K. R. Srinivasa Iyer's Memo and the order of the Dy. Commr. thereon and also for the return of the hypothecation deed. The latter was returned and an endorsement issued to him informing him that the copy of the Memo ~~can~~ could not be granted as an endorsement containing the substance of the order had already been given to him.

18. On 31-8-00 the petitioner appeared to foot. urging to the following effect

The petitioner laid his claim under Section 192 of the Land Rev. Code for the release of the attachment on ⁺22-9-99.

The Dy. Commr. failed to make any Enquiries as laid down in the Civil Pro. Code when the claim

+ This petn. is not forthcoming in the file
Why not call for it? @

was preferred

* 23-10-99 2 20-3-02

On Submision of two remittances
an Enquiry was made by Mr.
K. R. Srinivasaswami and endorse-
ments granted to him refusing
to furnish him with a copy of the
order although under Sec. 206 of
the Land Rev. Code he was entitled
to a copy.

The Dy. Commr. was wrong in directing
him to receive only Rs. 374/- as a
matter of grace, which he does not
require to be shown to him when
his rights have been affected.

The right of foot; if any, in a
case like this could only be
exercised over the Equity of redemption
of the mortgages inasmuch as
his rights under the mortgage
are prior to those of foot.

The Dy. Commr. erred in handing
over the properties under attach-
ment to their parties when a

10
action a
factor
sub. 400.

Claim was actually pending before him.

The action of the Dy. Commr. in handing over the properties attached to third parties has greatly prejudiced his right to a mortgage of the said properties.

For the above reasons he prays that Rs. 4000 may be ordered to be paid to him out of the monies recovered from parties who took charge of the properties mortgaged or the Dy. Commr. may be directed to pass a judicial order in the case.

19. The Dy. Commr. to whom the above petition was forwarded for report and submission of the proceedings referred this office to Mr. K. R.

Brunwasiaper's Memo found in Vernacular records connected with the case submitted by him. On this the above officer was requested

Pet
396 of 22-9-00

No. 600 of 11-10-00

No 4237 of 26-11-00
P. 728

to furnish a detailed report as to who sold the property and how the commission was calculated. The foot. was in reply informed that the furniture and other moveable properties of the defaulting contractors were sold by the auctioneer Mr. Parthasarathi Moodli, and that the commission was calculated at 10 per cent on the sale proceeds.

No. 941 of 14-12-00

20. Whereupon the Dy. Commr. was requested to submit a further report on the following points with the observation that his report was extremely unsatisfactory and in fact the whole transaction was characterised by delay and want of method which did not reflect credit on those concerned.

No. 6084 of 13-2-01
P. 1060

"It is stated in Mr. Srinivasirupari's Memo that after some property was released in favor of one Gurnabasappa, property to the value

14⁶ of Rs. 1253-5-6 was sold. It is reported that the payment to the Auctioneer was calculated at 10 per cent. This rate itself was exorbitant and the appointment of an auctioneer was scarcely necessary. The payment even at the liberal rate of 10 per cent would have amounted to Rs. 125/- Why was the large sum of Rs. 478-4-6 paid to him? The record contains no explanation of this large payment. It is not clear what authority the late Dy. Commr. Mr. K. P. Pillāma Chetty had to declare that Surubasappa was not liable to the hypothecatee of these goods.

No. 1300 of 22-2-07.
A. M. B. K. V.

The Dy. Commr. in reply states as regards delay and the exorbitant rate of commission etc. :-
The property of the defaulter

was attached on 5-1-99 and returned
on 23-10-99. From the date of
the attachment of the property
the defaulter was asking time vide p. 23
for the payment of the dues and
was producing tangible personal
sureties. Time was granted a
number of times, and then orders
were issued for the sale of the
property attached. Hence the delay.

As all the property attached
together with horses, carriages &c.
of the defaulter were valuable,
the Amildar and the Head Super-
visor suggested that it would be
better to entrust their sale to
an auctioneer. Therefore Messrs.
Abraham & Co. were asked. They
demanded a commission at the
rate of 20 % on the estimated
value of the property. As this
rate was too high, Messrs. Bhatnagar
& Co. were given the job on

¹² Commission @ 10%. The sum paid to them includes the Commission, the advertisement charges and also the feeding of four Australian horses for 32 days (Memo No. 24 of the Auctioneers in the file).

Note. There are no papers in the file to show what authority Mr.

Where is this
declaration?
Please see order of 11.6.00 page 8.

Puthanna Chetty had to declare the non liability of Purnabasaappa to the hypothecation of the goods referred to and the present Dy. Comm. simply refers to him.

AK
19/9/01.

Messrs. Koorappa Chetty & Kanyappa Chetty failed to the extent of Rs 11,117-5-8. The property of the defaulter, household furniture, horses were attached on 5/1/99 and a large number of these having been sold on the 9th, 23rd & 24th Oct '99 by Messrs. Puthaaratthy Chetty & Co. auctioneers in behalf of Govt. the defaulters requested

Mr. Puttannaachetty to release
the remaining property as
they had arranged with
Gurubasappa by private
sale, to pay the balance still
due to Govt. Mr. Puttanna-
chetty accordingly ^{on 26/10/1997} ordered
the release of the ~~property~~
articles which had still left
unsold in favour of Gur-
basappa. In the meanwhile
on the 23rd Oct '99, while
the sale was going on, the present
petr Nutakachelaetty put
in a claim before the Dy
Commr for some of the
articles on the ground that
they had been hypothecated
to him on 5/8/98 prior
to the attachment by Govt.
This petr was referred on 24/10/99
to Mr. Rajapalachar for
inquiry. It was not till
6/12/99 that, about a month
& a half after, ^{on 4/12/99} that he issued
orders the issued. Mr. K. R
Srinivasa Sengar subsequently dealt
with the case and found
that the petr's claim was
valid and recommended
that out of Rs 561 realized
from the sale of the articles found to have
been hypothecated to him, Rs 347
might be paid to him, deducting
proportionate commⁿ Rs 214

for the auctioneers (para 14 (4)). Among the articles made over to Gurubasappa were included a no. of articles which also had been hypothecated to the petr Mr. Puttappa Reddy ordered that Rs 347 should be recovered from a surety of the defaulter Puttappa Reddy of Sunkur & paid to the petr.

The petr contends that he should be paid Rs 4000 & that the Dy Commr. should not have restored the property or allowed a sale by private sale till his rights claims were investigated under sec 192 of the Rev Code. It was of course open to the Dy Commr. to have postponed the release from attachment, but he did as the same was not done, it is too late now. The petr however has a civil remedy against Gurubasappa & others. Puttappa Reddy. The next point for consideration is whether the relief given

by the Dy Commr with regard
~~to the property~~ to some
of the hypothecated articles
sold before the date of
the petition presented by
the petitioner is sufficient.
The Dy Commr has ordered
Rs 347 to be recovered from
the surety & paid to the
petitioner. ~~Although~~ the latter
may fairly claim to be
paid at once as the money
has actually been credited
to Govt.

Res.

29/3/01.

It would have
been ~~necessary~~ satisfactory
if with petitioners
claim pending the Dy
Commr had not transferred
the articles under attachment
of Govt. Basappa by
private sale effected
by the defaulter. The
Repr however has
an equitable claim
on Govt for Rs 347

14

of which has
been found to
be the value of
the article hypothecated
to Reps less Commission
due to the auctioneers
This amount
maybe paid to
Reps. ^{He has no claim} ~~apart from~~ ^{for}
~~any larger sum.~~
Further ^{surprise} if any
steps have been
taken by the D W
to recover the balance
of the arrears due
from the defaulters

1/2 Guadalupe

3/5/201

Aug
2/8/5
Sfr Prop/Int
22/1/5

P. J. O.

(please see 1st Councillors
order dated 3rd May 1901
above)

The Deputy Commr, Bangalore
Diott, was in accordance with
above order requested (in para
2 of Govt Profs no. $\frac{9304}{P.1764}$ dated
20th May 1901) to report if
any further steps have been
taken by him to recover the
balance of arrears due
from the defaulters, viz
B.C. Rudrappa who no more
property, the Dy. Commr
of Bangalore appears to have
addressed the Tumkur Dy.
Commr. on the matter, asking
him to recover the arrears
in question viz Rs 347/-
from one Vani puttappa setty
(a resident of Tumkur) who
was a surety of B.C. Rudrappa
setty, defaulting to Dy. rend
farmers.

Vani puttappa setty
protested against the

procedure adopted by the
Bangalore Dy. Commr. and
petitioned to him. He was
granted an endorsement
~~in the~~ to the following effect:—

"That the petitioner is liable
as surety to pay the balance
of the arrears due by the de-
faulting toddy vend farmer,
B.C. Rudraappa setty."

It is against this order
the petitioner ^{now} appeals and
contends that, when the house-
hold furniture &c of B.C. Rudraappa
were sold by private negotiation,
the whole amount of arrears
due to Govt was paid by
Gurubasappa, that he
(petitioner) is therefore not
liable ~~in any way~~ ~~whereas~~ that
on account of the subsequent
claim put forward by
P. Venkataschelamiah for
Rs 347/- on the ground that
some of the articles which were
sold to Gurubasappa, had
been hypothecated to him, (P. Venkataschelamiah)
and that if anything were

16

due ~~to~~ from the
contractor at the time of
selling his household property
over & above the amt due,
the sale of the property ought
to have been sold subject
to such claim.

He further prays
that the entire record may
be perused & pending
decision of Govt. in the
matter, the Deputy Commr
Jumkher District may be
asked not to take any
steps for the recovery of
the amount said to be
due from him

~~Submitted~~ The question
appears to have been settled
in Govt. prop. of the 20th May
1901, that the amount in
question should be recovered
from the defaulter.

I am not sure
about this - Q

Submitted to Secy

10/7/01
10
Subd to the 12th 11/12/01
Recd 12/6
10/6/01
19/6/01

If I understand the case
a right then that the
amount ~~due~~ by the defaulter
was wiped off by crediting his account
the sale proceeds of
certain moveable pro-
-perty which was
seized as his own but
the facts subsequently
turned out to be some-
what else. The claim
expressed by the latter
resulted in an order
from the Hon. Judge
that it was an
equitable claim which
had not been barred by
time ^{by payment in cash}. Does this amount
to a renewal of a
demand and regarded
as satisfied? If it does,
the defaulter is again
liable to be proceeded
against and conse-
quently his surety the
Petitioner ~~also~~ as well.
If it does not the payment ordered
made to the ~~claimant~~
hypotheca (i.e. claimant
or the real owner) is a clear
loss to Govt which has
to thank its ^{own} local executive
for the ^{mismanageable} handling accountable
for it. This is a question
not quite free from doubt.

or difficulty - they own
 opinion is that there is ^{now} no
 asset legally recoverable
 from the defaulter or his
 surety & that for any
 payment due to the
 claimant (or hypothecatee)
 no process against the
 defaulter or his surety
 is justifiable - This
 opinion however I
 express with great diffi-
 dence. Please submit
 the papers to the Dewan
 whose decision ⁱⁿ this
 way I am quite
 willing & ready to
 abide by - This case
 is an illustration of
 the risk ^{which} Govt runs
 by dealing with mortgage
 properties in connection
 with arrears of revenue
 due but -

Chennammai

20/6/01

~~Very urgent~~

^{order the}
 Please stay further
 proceedings pending
 the disposal of this
 petition. I hope our
 order would be too
 late - The petition in
 fact the 30th April
 last & is reported
 to have been received
 on 11th May - The papers
 were sent to me
 only last night (19th
 June) - ~~20~~ 21/6/01

20/6/01

Early
 21/6/01

Will the office please arrange
 & attach together the papers proposed. ^{22.6.01}
 I have no time for it myself as ^{10/13}
 I have gone in several other
 cases. 20/6/01

Subd to the Dewan
 21/6/01

376

The exact terms
under which
Grimbaroff
got the articles
still under attack
- went before sale
must be ascertained
& noted. Whether
it was a clear sale
or purchase or whether
he bound himself
by any of the means
if the articles were
restored this is
what I want to know

Wm. D.

10.1.02

W.D.
11/1/02

Exide

Please put up a draft, which
will be subd. to the 2nd committee
for information, before issue.

W.D.
15/1/02

(Office note continued)

68 (Office note continued)

The information required
~~in the above~~ above
has been called for from
the Excise Comms^r together
with the entire record
connected with the case.
In the meanwhile, the
deputy Comms^r Bangalore
reports for the information
of ~~Govt~~ that a notice
has been issued to him
under section 424 of the
civil procedure code, by
Mr. D. Venkathramayya,
Advocate, on behalf
his client Pofaku Venkata
Chelamiah for the restoration
of mortgaged properties
handed over to Gurubasappa
late surety of B.R. Rudra
~~for~~ chetty, defaulting
todd^r contractor, and
that in reply the Advocate

has been informed that
nothing could now be done
as final orders have
been already passed by
Government in the matter.

A draft is also submitted
for approval or orders
forwarding copy of
the Deputy Commr's Com-
munication to the Excise
Commr in continuation
of this office no. 11793 dated
Ex 256
8th January 1902, calling
for a report with records,
on the subject in question.

Submitted to the 2nd Councilor

1/02
Recd
21.1.02
21/1/02

See the draft issue at
once & the report
called for by the Dewan
be obtained as quickly
as possible -

The case has developed
serious proportions -

The question now is
 not merely whether
 the ^{defaulting} farmer's surety
 can be compelled
 to pay Rs 347 which
 had to be refunded
 to the hypothecatee
 but also whether
 the latter - claimant -
 is not entitled to
 the full amount
 of his claim viz Rs
 4000 - This latter
 claim does not
 seem unaffordable
 and unestablishable
~~but~~ and when
 a law suit is
 instituted Govt
 has to authorize
 its being opposed
 But what a deal
 of trouble - & pro-
 - bably loss - over
 this simple matter
 due to my opinion
 almost entirely to dilatoriness
 on my part & bungling
 on the part of the
 local executive.
 Please submit
 this to the Dewan.

for Neousal orders
after the issue of the
draft.

22/1/02

Submitted to the Dewan

23/1/02 Amr

Excise Branch
Issue the draft at once first. YH
23/1/02

Draft issued
18/1/02
23/1/02

3078
AD 23.1.02

3318
Yes - A further
note may
be submitted
when full
information
is received
24.1.02

25/1/02
27/1/02

Amr
25/1

(note continued)

Two dockets were sent
 Two reminders have
 been issued & a 3rd re-
 minder has been issued to-
 day, asking the Excise Com-
 missioner to expedite the
 submission of the report
 called for in the matter. In
 the meanwhile a communi-
 cation ~~from~~ is received
 from the Dy. Commr, Bangalore
 District, submitting for
 orders copy of a docket
 received from the Registrar
 of the Chief Court enclosing
 a summons & a copy of
 the plaint petition. In
 connection with the suit
 filed by Popakur Venkatachela-
 mish against the Dy Commr
 &c. for the recovery of ~~certain~~
 the recovery of Rs 3653 being
 the balance of the mortgage
 amount and Rs 1047/-
 being the amount of interest
 and for cost costs.

Submitted, to the
2nd - Councillor

Am
4/3/1902

Recd.
4-3-02

The rate paid for
leasing is the 2nd or 3rd.
By that time we ought to be able
to get all the informa-
-tion required & decide
as to what should
be done. Please
write to the lower
-officials, the com-
-munication being
sent marked ^{very} urgent.

Do not let the standing
order of having re-
quire the Dy Commr
to do something more
than merely sending
us for orders a copy
of the summons
& plaint ~~copy~~ served
on him? I think
he ought to send us
a draft rewritten
statement - Please
do the needful at once.
If necessary, we must

except the Court should
 state & ask him
 to move the Court
 on adjournment.
 Please resubmit
 this on the 15th
2nd 5/3/02.

~~It once~~

~~It once~~

5. (4/3)

Submitted,

As directed above
 a D.O. reference was sent
 to the Sess Commr as also
 an official reference to the
 Dy. Commr, Bangalore Dist.

no 1032 7/2/3/02
 D.C.'s letter put up.

The Deputy Commr in reply
 states that the Govt-advocate
 has been instructed to move
 the Chief Court for an
 adjournment for 3 months
 under section 423 of the
 C.P. Code. He further states
 that the entire record.

has been sent to the Excise
Committee. But in the reference
made by the Excise Committee
to Govt (on the same day
viz 12th instant) the Excise
Committee states that the records
of the case have not as yet
been received sent to him
by the Deputy Committee.

note
by the Committee the
2nd Committee has
been asked to
be ready to
be ready to

By subd to the 2nd Committee
14/3/02

The Govt Advocate has
been instructed ^{by the Deputy} to move
for an adjournment for three
months - This period
seems much too long, but
we may count upon a
reasonable extension
being granted by the High Court. &
423 of the Code of Civil
Procedure.

Tell the D.C. that his
action in instructing the
Govt Advocate to
ask for an adjournment to
be approved - that a report will be
sent to the D.C. communication
early next -

Office Sec. Cr. Dept
Reeds today, I think
Bengal again early
with it. H. J.
15/3

of that application
is awaited &
should be
kept as quiet
as possible -

15-13-02

22

(office note continued)

(approved & being issued)

a precis of which is given above.

A draft informing the Deputy Commr, Bangalore Distt as directed above is put up for approval. The records of the case have since been received ^{from} the Excise Commr with his letter no. $\frac{5653}{245}$ of 14th March 1902 (put up). The records mostly relate to the proceedings taken for the attachment of the defaulters' property and their sale. As regards the terms under which the sale of the property in dispute took place, the Excise Commr reports that the Deputy Commr has directed that the unsold properties (viz those which were sold to Gurbasappa & Hutechappa

by B.C. Rudrappa under
private arrangement) ~~be~~
~~to be released~~ should be released
from attachment in favour
of Gurubasappa & Huchappa
and assigned to them as
agreed to by Rudrappa
settly & his brother (defaulters)
and that such interest
as the Govt. possessed
in the said properties
would thenceforth rest in
the said purchasers. The
Excise Commr. is of opinion
that from the terms of the
Deputy Commr's order,
the properties referred to
were transferred to the
purchasers subject to
encumbrances and that
accordingly they are liable
for the payment of money
due to Venkatchelamayya.
In the agreement, executed
by Gurubasappa &

23

the purchaser of the property,
he simply binds himself
to pay the balance of arrears
due to Government.

Ks

18/3/02

To the 2nd Court
Allah.

Recd.
18-3-02

Huss
18/3

Let the Dyce Head Clerk
see me with this file
on Sunday morning
(the 23rd Inst) at
between 8 & 9 - A

19/3/02

H.B. I believe the order
directing the Dy Court
to move for an
adjournment has
gone & that there is
no trouble in the
matter - A

Recd.
Huss
18/3

19/3/02

The suit is reported
to have been adj.
to the 1st July 1902.
In the meantime we

24 office note continued

no. $\frac{8671}{424}$ of 27/6/02

In compliance to the above requisition from this office, the Excise Comr. submits the written statement proposed by the Deputy Comr. Banfalora, to be filed in the Chief Comr. If approved the written statement will be forwarded to the Court Advocate for being filed in the Chief Comr. on the day of hearing i.e. 18th July 1902. The file ^{back} of records received from the Exc. Comr. is also herewith submitted.

Submitted to the 2nd Committee for orders. 

28/6/02

28/6/02

sd
at 9 p.m.
28-6-02.

I am not quite satisfied with the written statement. There has throughout been considerable delay

in their meeting. To what extent each of the officers concerned was responsible for it, is not quite clear. Let me have a note on their point - In the meantime please send them ^{with a letter} file (marked confidential) ~~at once~~ to the Govt Advocate at once (today) and ask him for favor of a very early expression of opinion. This is a peculiar case, and it is desirable that the Govt should ^{not} take any defence ~~in any way~~ ~~and therefore no available~~ - Govt have had an opportunity of fully studying the case & consulting their Advocate as to the line of action to be adopted - Let them answer soon for under these circumstances, ask for a short advisory - ment - ~~It is important that they should be refused there because too alternative but to file the by former written statement and~~

30/6/71

few days are all
that are wanted.

30/6/02

attended to
3/22
30/6/02

+ + 26

I have reviewed the case with Mr. Rana. - drawn by. The draft written statement as slightly revised by me seems to be all right. Return to the Dy. Comm. with a request that a fair copy of it be filed in Court and that the Court Advocate be asked to conduct the suit - Q.

8/7/02

Draft - ruled.

True Issued retaining the original
8/7/02 Shahul & V.P. 8/7/02

O.S. 5 of 1901-902
on the File of the Chief Commr.

~~S. K. 19 H~~

8/8

Rec: 3

Office ²⁵ 27
5th March 1902

My dear Mr. Purnaya,

In continuation
of this office no ~~12191~~
no 309 of yesterday's
date about a suit insto-
tuted by Popa Ku Venkata
Chelamiah, the Chief
Court for the recovery
of certain amount due to
him in connection with
the sale of articles belonging
to B C Rudrappa Chetty
defaulting today contractor
of the Bangalore city, I
herewith send you a copy
of the letter with its enclosure
received ^{from} the Deputy Commr
Bangalore District. The
date fixed for hearing
is the 20th instant. By
that time we might

to be able to get all the
information required
and decide as to what
should be done. Will May I request therefore
that you may kindly
~~you please~~ ~~hereafter~~ do send the records &
supply other needful info as early as
~~the needful as quick~~
as possible.

I remain

Yours truly

11/5/12
H. C.

P. N. Prernaaya Saz
B. A. C.

S.R. 1779-1

Submitted

Here with the
file - the written
statement was
received and the
Govt. has not yet
replied.

Letter No. 102

o/ 26. June 02 from the Ex. Secy. for
Subg The entire records together with
the written statement of the Ex. Secy. for
Defendant (Def. of Bangalore)

with

Ex. Secy. No 2 of 1898-99.

The Office just now telephoned
for this file as the case comes

30

Off. before The Chief Court
tomorrow

Edl
30.vi.12

Confidential

Bangalore 31

47th June 30th 1902

My dear Mr. Ramaswami Iyer,

As directed by the
2nd Comptroller I am
herewith remove
you the entire file
(47 2 98 ending with
4. Cover no $\frac{8671}{424}$ of
27th Dec 1902) in
connection with the
Civil Suit filed by
our Pagarai Venkata
Chalamiah against
the 104 Cover Bangalore
Dist^o, which comes
off before the Chief
Court tomorrow &
request the favor of
of a very early expression
of your opinion in
the matter. This is a
peculiar case and
it is desirable that

31

* Copy 2 Sections Office
note & V.P.

the Court should not
set up any reference? ^{to}
in any way assailable.
Court have had no
opportunity of
fully studying the
Case and Consulting
their advocate as
to the line of action
to be adopted. Under
these circumstances
I request you will
be so good as to
move the Chief
Court for a short
adjournment.

I remain
Yours very sincerely

30/6/00
Off Secy

20 B. Rameswami Iyer Esq

Subd to 24/2
with a copy of
this letter. 4/2
11/10/02

20

1-17-02

33

Bangalore

My dear Mr. [unclear]

The case of Venkatachallu
Chetty has been adjourned
to 17th instant on account
of the absence.

I wish to see the
second counsel
in connection with the
case between 2 to 5 PM
on Monday or Wednesday

What may I request
 you ~~whether~~ to ascertain
 & to inform me which
 day will suit your
 convenience.

Yours faithfully
 Saml. Smith

41

Bangalore 35
4th July 02

My dear Mr. Rameswami Iyer

With reference
to your W.O. of the 18th
Instant, I am to
state that the Second
Commissioner will be
glad to see you at
the public offices at
about 8.30 am. of
Tuesday the 8th Instant
in connection with
the Civil Suit filed
by Pargaku Venkata-
chalamma against
the bylaw. Bangalore
W.O. & others

I ~~further~~ request
you will kindly
return tomorrow
before noon, the entire
file connected with
this suit sent to you

on the 30th ultimo
for the purpose of
its being studied
& placed before the
Councillor on the
above date

I remain
Yours respectfully
W. J. 7/12
A. H. Secoy

S. R. Cunningham

1. 7. 375
62
Bangalore.

My dear Mr. Anantaramaiah

The Case of
Venkatachalla Chetty has
been adjourned to 17th
instant on account of
Sessions

I wish to see
the Second Councillor
in Connection with this
Case between 2 & 5 PM
on Monday or Wednesday
next. May I request
you to ascertain and to
inform me which day
will suit Mr. Sreenivasiah.

Yours faithfully
S. Ramaswami

Copy

I shall be glad to
see Mr. Ramaswami
at the Public Office at
about 8-30 am of
Monday the 7th Inst.
Please inform him accor-
ingly. Let the clerk in

please have the file
ready for me on the
said date & at the
said hour - C

2/7/02

Submitted to the 2nd Councilor

Mr. Ramaswami Iyer says
he has business in the Court
on Monday & he wants to
know if Tuesday ^{at 3-30 ill} will suit
the Councilor



Recd
2.7.02

2/7/02

Yes - Tuesday morning
at 8-30 will suit me -
C

3/7/02

inform him
1/1
3/7

Submitted

S.R. 177-900-01

1900

- 1) Stamp sufficient 48
- 2) In time
- 3) Dy Commr's order produced

79.900.

Sub 2 to 1 Submitted

by 2/9/01
calculated
inward
and

Reading 9

14.18.00

D.R. Co. Co.

18.9.00

11 15/11/01

107-0M.4
End: Put up.
8m 19/9/00.

No. 430

Name of Petitioner Poathu Venkata

Village Cheluvu
residing at

Taluk Dodpetta

District Bangalore

Date of Arzi } 31.8.00

Date of Receipt } 1.9.00

Date of Disposal 1.9.00

No. of Enclosures Two.

ABSTRACT

This is an appeal against the Dy Commr's order no 40 of 25.8.00, which has the following effect:-

Read your petition of 23.8.00. The copy of the order produced by you can not be granted to you as the previous Dy Commr: refused to grant you a copy of the

the ground of its being
a Govt: record.

The furniture of B. G. Ru-
drappa (late toddy, Contra-
ctor of Bangalore city) which
was mortgaged to you, was
attached by Govt: for ar-
rears due from him on

11. 1. 99 and sold by auction

on 23rd ~~Oct~~: October '99

You kept quiet during
the long interval and sub-
mitted a petition only
on the day of Sale. In
suite of this it was deci-
ded that the sum of Rs

374/- being the sale proceeds
of the articles of furniture
mortgaged to you, after deducting

the

The auctioneer's Commission was due to you

This ^{due} has been ordered to be collected immediately and ~~paid~~ ^{paid} to you. The order has already been intimated to you by order No 289 of 27-6-00.

Petitioner states that he got a mortgage deed for Rs 4000 by hypothecating the furniture of B. B. Andappa Setty; that the said property was attached & sold by auction by Govt: for arrears of revenue due; that petitioner laid his claim under

289. 8. 02 + 17. 11. 02

under Sec: 192 of the Land
Revenue Code for the release
of the attachment on 22.7.99;

That the Dy: Commr: failed to
make any enquiries into the
matter as laid down by the Civil
Procedure Code, when the claim
was preferred; that after he did:

some reminders an enquiry
was made by the General ~~ist~~ H:
Commr: Mr. K.R. Srinivasan

§ 23.10.99 & 20.3.1900

that the enclosed endorsements
have been given to petr: re-
fusing to furnish him with
a copy of the order although
under Sec 206 of the Land Rev:
Code, the petr: was entitled
to a copy; that the Dy/Commr:
was wrong in directing petr:
to receive only Rs 374/- as a
matter of grace; "that the
rights of Govt: if any in a
case like this could only be
exercised

exercised over the Equity
 of Redemption of the mort-
 gages was much as the
 petro's rights under the
 mortgage are prior to those
 of Govt; that the Defou-
 lder in handing over the
 properties under attach-
 ment to third parties
 when a claim was actu-
 ally pending before him
 that the action of the Dy.
 Commissioner in hand-
 ling over the properties at-
 tached to third parties
 has greatly prejudiced the
 petro's rights as mortgage
 of the said properties and
 prays that Rs 4000/- and
 interest thereon may be
 ordered to be paid to the
 petitioner out of the money
 recovered

07/11/80 25 & 27 11 80 X

recovered from parties
who took charge of the
properties mortgaged
or the Dy. Commissioner
may be directed to pass
a judicial order in the
Case."

Enc: Dy. Commissioners a/c to:
Nos: 299 & 27600 + no
40 & 25/8/00.—

29
6.9.00.

As far as Secⁿ 192 of the
C.R. Code goes, there seems
nothing to prevent a third
person from setting up
a claim at any time before
the sale is concluded & so long
as the property is under
attachment.

The enquiry contemplated by Secⁿ 192
is a summary one & the J.
Comm^r was bound under Secⁿ
206 to furnish ^{by} a copy of his
order.

~~2/9/00~~

As regards the question whether the subject matter of the petition falls under Regⁿ or Ex^{co}s, it seems to me that it comes under the former.

Secⁿ 25 of the Ex^{co}ise Act (Replⁿ III of 1885, § 201 of the compilation of Replⁿs) provides for the ~~sub~~ recovery of any amount due under the Act by sale of the moveable property & this section does not provide for adjudication of claims set up by third persons.

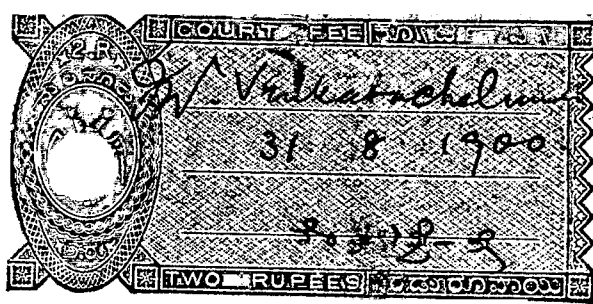
But secⁿ 193 of the LR code declares that: "all sums declared x & by any other law at the time being in force to be leviable as assessments x & shall be levied under the

foregoing provisions of this
Act " & this has the
effect of rendering
an enquiry under Sec 192,
LR Code compulsory

by 7/9/00

There is no petⁿ in the
By Commissioner's file of 22/9/00
mentioned by the petⁿ. His
petⁿ to him is dated 23/10/00
and in it ^{he} refers to ~~some~~
a previous petⁿ, but
does not quote any date

has
5/11/00



Two Rupees Stamp
affixed

31-8-00

4
M. Pet Br
31/8/1900

WYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. NO. 430 R.
DATE 31-8-00.

7-11-1900

430

The Secretary to the Government
of Mysore, Revenue
& General Departments
Bangalore

C. R. File 179

Excise Appeal Petition No 41900
01.

1900-1.
st 2

Petitioner: - Pogaku Venkatachiluma
residing at Doddappa Petta
Bangalore.

The Petitioner begs to state as follows: -

1. That the Petitioner obtained a deed
of mortgage for Rs 400/- from the
late Jaddy Contractors Mr. Rudappa
Setty and his brothers by hypothecating
their furniture for a debt due to
the Petitioner.

2. That the furniture and other
properties hypothecated to the
Petitioner were attached by the Dy.
Comr of Bangalore for arrears
due by the late Contractors and
advertised for sale by Messrs. Partha-
-Sarathi Moad & Co. Auctioneers

3. That the Petitioner laid the claim under Section 172 of the Land Revenue Code for the release of the attachment made on 22nd Sept 1890.

4. That the Govt. Comr. & Secy. to Govt. made enquiries as laid down by the Civil Service Rules when the claim was preferred.

5. That the Petr. then presented the evidence of 23 to 29 and a 20.3 1000

6. That an enquiry was made by Mr. H. R. Srinivasan, J. for the Govt. after the demand was made.

7. That a accompanying endorsement has been given to the Petr. by the Secy. to Govt. him with a copy of the order although under Section 206 of the Land Revenue Code the Petr. was entitled to a copy.

8. That the Govt. Comr. was wrong in the way the Petr. was dealt with. The 874/1 is a restriction on

396 2 22/9/00 18

S. R. 17 71900-1

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

8/9

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

No. 430 dated 31-8-00.

received at the Dewan's Office from Pizak
Senkalācheluniah, residing
at Dodpetta, Bangalore, against
the order of the Dy. Commr. in re-
the Sale of the furniture mort-
gaged to him by Rudrappa
Chetty, for the amount due by
the latter to Govt. towards Lottery Contract,

is forwarded, together with its two
enclosures, to the Deputy Commissioner
of the Bangalore District
for submission of the entire proceedings
connected with the case, together with a
full report of the facts of the case, and on
the points urged in the petition.

2. The petition with its enclosure
should be returned.

By order,

De. Shama Rao

BANGALORE,

For Secretary

22-9-1900 }
22
Wt. 19/9

10 Council Clerk to submit with file

16/10/00 The references are not with me. 3

Blm
16/10
infr 430 of 900
16/10 M. M 396 22-9-900
3823

17/10 Rps put up

M
17/10/1900

Pl-957

S. R. 17 of 900-01/14

No. 696 4303

Name of Petitioner Raja Ku Vankata

Village Chelamiah

Taluk } Doddapet

District } Bangalore city.

Date of Arzi 9-10-00

Date of Receipt 11-10-00

Date of Disposal

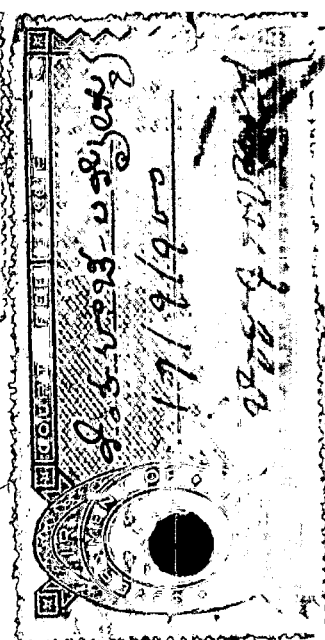
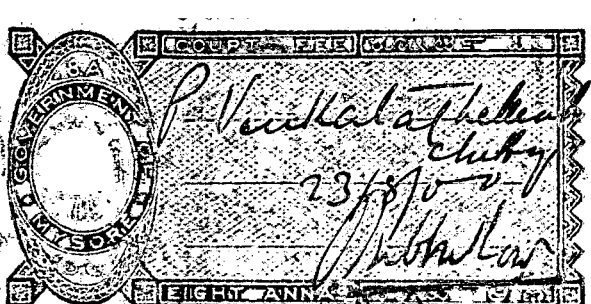
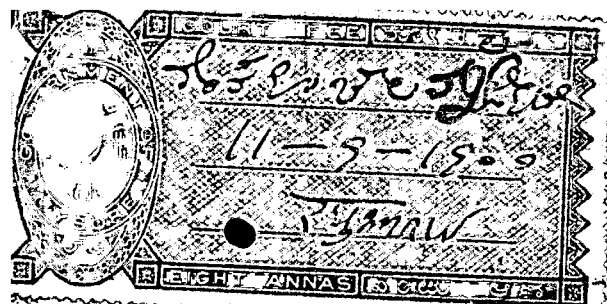
No. of Enclosure - Nil

ABSTRACT

Beys to state that he submitted an appeal petition on the 31st August 1900 appealing against the illegality in the trial in re his claim (not mentioned) presided over by the Dy. Commr. Bangalore. The questions involved in the determination of the case seem legal technicalities and as such he represents by

Stay an Advocate when
the appeal comes for
hearing before the
Council

Ans 13¹⁰/₀₀



7
10

Two Rs stamp affixed - m

The Avenue and General Secretary
to the Govt. of Mysore
Bangalore

Rev. appeal petition no 1/900-1

696

Petitioner

Logak Venkatachelaiah

residing in Doddabettu

Bangalore City.

Box
To Petitioner
11/10/00

The Petitioner above named begs
to state as follows:—

696 R
11-10-900

1. That he submitted his appeal petition
on the 31st ~~Sept~~ ^{Aug} 1900
appealing against the illegality
in the trial of his claim by the
Deputy Commissioner of Bangalore.

2. That the Petitioner submits that the
questions involved in the determi-
nation of the case being within legal
provisions, he prays that he may
be permitted to engage an Advocate
to appear for him and to state
his case before the Council.

Bangalore }
9-10-1900 }

Subd with refes
mll
19-10-00

S. R. 177900-1
24/4

Subd to the 1st councillor.

This report abt the sale
of saddy contractor Rudrap-
chetty's furniture has
been received as per
orders of the 1st councillor.

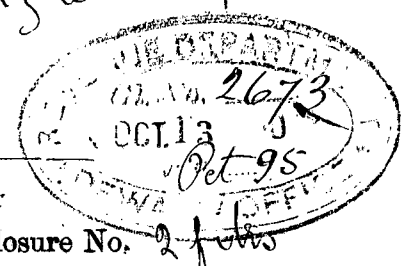
A memo in English has
been found in the Dy Commr's file
gives a complete history
of the case & it also
contains Mr. Puttanna's
order, appealed against.
Mr. - Dhyaaraja's remarks
on the abstract are to be
found on the abstract.

5/11/00

RD-6/11/00
Who sold the property?
How was the amount
calculated? The payment
was made by
considerable - but
a report be obtained
on these points

19. XI. 00
21/11/00
12/11/00
13/11/00
14/11/00
15/11/00
16/11/00
17/11/00
18/11/00
19/11/00
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25/12/00
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28/12/00
29/12/00
30/12/00
31/12/00

✓ 18
18900/1901
FROM The Dy Commissioner
of the Bangalore District
To The Secretary to the
Government of Mysore
Ker and Genl Depo Hs.
Dated 11th }
Despatched 12th } Oct-09-1900
Received
General No. 600.
Enclosure No. 2 files



Secretary's official memo.
Memorandum No. 296 dated the
22nd September 1900.

Forward the records connected
with the sale of furniture &c
mortgaged by the srs B. C.
Rudraptha Chetty and his
brother Nanjundappa.

RD-10
15-10-00
RD-15/10/00
Ref put up
16/10/00

6
S.R. 177-1900-01
826-5

From

1900
189

The Secretary to Govt.
Genl and Rev. Depts.

To

The Deputy Commr.
Bangalore

Dated

26

Despatched

26.

Nov 4/200

Received

General No.

No.

4237.1
Oct 728

Enclosure No. 2 files

The Dy Commr's No. 500
dated 11th October 1900, for
warding the records
connected with the sale
of furniture etc. of Messrs
B.C. Rudrappa Chetty and
his brother Vangundappa
late ~~lady~~ contractor

In returning the
records received with
the above for reference
and resubmission,
has the honor to ^{request} ~~submit~~
early submission of
a further (detailed) re-
port as to who sold
the property and ~~of the~~
how

on the commission
has calculated

C; }
19.11.00. }

By order
127.

for Secretary

23.1.00.

Ripe putup

All.

20/12/00

Saled 10.1.01

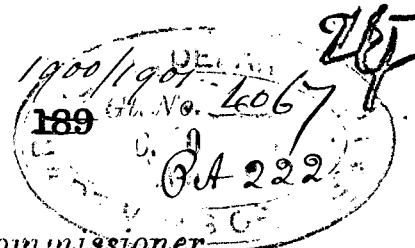
Rampura
Recd 14.1.01

S.R. 17 of
8/12/00

-01

From

The Dy. Commissioner,
Bangalore District.



To The Secretary & Co
Govt of Mysore
Rev. & Genl Depts

Dated 14th

Despatched 15th

Received

} December
1900

General No.

No. 941

Enclosure No. 2 files

31/1/01

26/1/01
31.1.01
Harikan

This report is
extremely unsatisfactory & in fact
the whole transaction
is challenged by
delay & want of method
which do not reflect
credit on those concerned.
It is stated in the Sree
-nivas Gyan Meena
that after some protest
was released in favour
of one Gumbappa
property worth valued
1253-5-6 was sold - It
is reported that the payment
to the auctioneer was calculated
at 10% - This was
& the effect of an auctioneer
was 20% - The payment even at the
liberal rate of 10% would have
amounted to 125 rupees -
Why was the large sum
478-4-6 paid when?

Secretary's docket

No. 4234 dated the 26th
Oct. 1928
November 1900..

States that the furniture

&c of Messrs B. C. Radappa
Chetty and his brother Kun-
-jurdappa were sold by
the auctioneer Mr Partha-
saratthy Mudaliar and that
the commission was cal-
culated at 10 per cent..
P.L. M
17.12.00
Rd 18/12/00

S.R. 177-900-217
827

J

1890-1901

27

From

The Secy to the Govt of Mysore
Lft & Rev Depts.

To

The Dy. Commr., Bangalore St.

Dated

Despatched

13th February 1901.

Received

14

General No.

6084

Pat No. 1060

Enclosure No. One file of the memo

His letter N^o 941 of 14-12-1900
reporting that the furniture of Messrs
B. G. Rudrappa Chetty & his brothers
were sold by the auctioneer Mr.
Parthasarathy Moodaliar and that
the commission was calculated
at 10 per cent.

With reference to the above
has the honour to observe that
the report is extremely unsatisfactory
and in fact the whole transaction
is characterised by delay and want
of method which do not reflect credit
on those concerned. It is stated in Mr
Sreenivasa Iyengar's memo that after
some property was released in favour
of one Gumbasappa property to the
value

of Rs 253-5-6 was sold. It is reported
that the payment to the auctioneer
was calculated at 10%. This rate itself
was exorbitant and the appointment
of an auctioneer was scarcely necessary.
The payment even at the liberal
rate of 10% would have amounted
to Rs 125. Why was the large sum of
Rs 478-4-6 paid to him? The record
contains no explanation of this large
payment. It is not clear what authority
the late Dy Commr Mr. K. P. Muttanna Chetty
had to declare that Gurubacappa was
not liable to the hypothecation of these so.
The Dy Commr is requested to submit
a further detailed report on all the points
referred to above

By Order

Dr.

8/2/07.

For Division

C.

2nd

3rd

4th

5th

6th

Refd
20-2-01

S.R. file 179-900-01

29

1900

430 of 900 22-8-00 - 396-22-9-00
696 22-8-00 22-9-00
16-10-00
21/2

1660

Name of Petitioner *Pogaku Venkatachalam*

Village

Taluk

District *Bangalore*

Date of Arzi *15/2/01*

Date of Receipt *16/2/01*

Date of Disposal

No. of Enclosure *Nil*

Rev App. Pet of 1900-01.

ABSTRACT

Prays for a day being fixed for his appeal, against the Dy Comm. decision, which he submitted on 31.8.00 & for which Govt. Invok: no 430 of 19-9-00. has been ~~issued~~ issued

18/2/01

To Annual Df who has the prev refd

25/2/01 this file has not come home.

2673 of 11.10.00 is submitted to ICR
on 5.11.00

32080 Pet 322
28/2

Ref-print up
(vide Dep Comm Report no
D 1300 of 22^d Feb 1901
Pet-322)

All
1/2/01

20

16-2 1907

Said Section.
 Bangalore } That you & I shall ever pay
 15/2/01 } (Graded & other money)

S. 177900-01

10

37

(General Serial No. 30.)

1900/1901

Sub A press was added
to be prepared in this case,
which remains to be done.

may
1-3-01

Then why has this
comm. where is the press
who is doing it. *hs*
2/3/01.

Subd.
No one was asked to do it as it
had to be done after the receipt of this
report. The press was required by the 1st
journalist in his last orders on the subject.

may
4/3/01

A press shd be prepared
without further delay
hs
5/3/01

Let me have a list of the files for
which press is or of press orders
have been required & which
have not been completed
hs
5/3/01.

List sent
separately
6.3.01
Mr. Krishnengar
for press

Press put up 13.3.01

Subd 20.3.01

Subd by *hs* Comm^r with
a press & *hs*
29/3/01

From Jth Dy. Commissioner, *of the*
Bangalore District



To The Secretary
Government of Mysore
Rev & Genl Dept

Dated 22nd } February 1901.
Despatched 23rd }

Received

General No. } 190
D No. 1300.

Enclosures Number. 1 record

Secretary's docket No
6084 of the 12th Feb 1901
Pet 1060

Submits, with records,
further report on the sale of
the property of messrs Indra-
ppa Chetty and his brother
on account of abkani revenue
due from them

P. K. P.

25.2.01

26/2/01

Ref put up

all 26/2/01 (File to be checked)

Bangalore District
Dy. Commissioner's Office
Bangalore 22nd February 1901

To,

The Secretary to the Government of Mysore
General and Revenue Departments.

Sir,

With reference to your docket
No: 6084 dated the 14th February 1901, call-
ing for a further report on the points
alluded to in the late of the property
of Messrs; B. S. Rudrappa Shetty and
his brother, on account of the Akary
revenue due from them, I have the
honor to state as follows:-

2. With regard to the long delay and
want of method, &c, I beg to state
that the property of the defaulter was
attached on the 5th January 1899 and
auctioned on the 23rd October 1899.
From the date of the attachment
of the property the defaulter was

was asking time for the payment of the dues and was producing tangible personal ^{sureties} ~~securities~~. Time was granted a number of times, and then orders were issued for the sale of the property attached. Hence the delay.

3. With regard to the large Commission of Rs 478-4-6 paid to the auctioneer, I beg to state that, as all the property attached together with horses, Carriages etc. of the defaulter were valuable, the Amildar and the Head Supervisor suggested that it would be better to entrust their sale to an Auctioneer. Therefore, Messrs. Abraham and Co. were asked. They demanded a Commission at the rate of 20 per Cent on the estimated value of the property. As their rate was too high, Messrs. Parthasarathy Modliar and Co. were given the job on commission at 10 per cent. The sum paid to them includes the Commission, the advertisement charges and also the feeding of 4 Australian horses for 32 days. (Memo No. 24 of the auctioneer which is in the file. may be perused).

4. With regard to declaring that Gurusappa was not liable to the hypothecate of these goods, I beg to state that Mr. Puttanna Chetty, the then Deputy Commissioner passed that order.

5. The entire record is herewith re-submitted.

I have the honor to be

Sir

Your most obedient servant



Dy. Commissioner,
Bangalore District.

9/11/00

Re peronee
15.3.01

1660 of 900 *ನಾಲ್ಕು ಸಾವಿರ ಶೇಕಡೆ*
25-2-01

8/5/01

15/3 To. Mr. B. Krishnappa
for being placed with file
under precis

16/3/01

S.R. 17440-01
8450

11

1909

3526

No. 1769

Name of Petitioner *Pogaku Venkata*
- chelliah

Village

Taluk

District

Bangalore

Date of Arzi *5-3-01*

Date of Receipt *6-3-01*

Date of Disposal

No. of Enclosure *Nil*

ABSTRACT

The petitioner states,
on 31-8-00 he presented
an appeal petition to the
office in re his claim to
and that he received
this office endorsement No.
430 dated 19-9-00 informing
him that his petition has
forwarded to the Dy: Com.
for report.

He prays that a day
be fixed to hear his case

2nd Reminder

Recd to Pat Brack 3627
6/3/01
1769 R
DATE 6-31-1901

1769

2

The Secretary to Government of Mysore

Revenue General Department
Bangalore

Revenue appeal No 1900-1

Petitioner

Pogaku Venketachelliah

The petitioner begs to state -

- 1 That he presented an appeal petition on the 2nd of August 1900 appealing against the illegalities the trial and disposal of his claim by the Deput Commissioner Bangalore
- 2 That subsequently he received endorsement on 4 30 of $\frac{19}{22}$ September 1900 stating that the petition has been forwarded to the Deput Commissioner for report.
- 3 That he prays a day may be fixed for hearing of the said petition

Bangalore

5th March 1901

(Signature)

(ie) Pogaku Venketach

417 Kodapettah

Bangalore

Refu
1-5-01
1769 of 400
69680. 12.81 320 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400
16-10-01
2/5

S. R. 17 of 900-01

1900 - 01

26

No. 2191

Name of Petitioner Pagaku Venkata-
- chelamanna

Village _____

Taluk Bangalore

District _____

Date of Arzi 25-4-01

Date of Receipt 26-4-01

Date of Disposal _____

No. of Enclosure nil

To Council chf in cont.
3-5-01
This file was not sent to me
4/5/01. Put up Pet-322 of 22-2-01
mly 6/5/01
Genl Inq. 5752 of 22-1-01
322
from DC Bangalore. letter
No: 1300. relating to sale
of property of Manna. Rudappa
Chetty & his brother, was submitted
with file to the 1st Commission
on 29-3-01

All
6/5/01
Submitted in continuation
5-01 This has been refd
to Dy. Plac. this in
that file
5-01
1754

ABSTRACT

1 In Endorsement N^o. 430
of 19 September 1900, the
22 petitioner was informed
that his petition dated
31st August 1900 was forward
to the Dy. Commr. Bangalore
dist for disposal.

The petitioner prays that
a date may be fixed for
hearing the said petition
along with the Dy. Comr's report
and that he may be allowed
to ~~appear~~ engage an advocate
as prayed for in his petition of
2.10.1900
Ch. 4/01.

21915

SECRETARY'S OFFICE.
REVENUE DEPARTMENT.
RECD NO 2191 R
DATE 26-4-1901

1034
 26/4
 To,

The Secretary to the Government of Mysore
 Revenue and General Departments.
 Bangalore.

Rev. Appeal No. of 1900-01.

Petitioner

Cogaka Venkatchelamma.

The Petitioner begs to state:-

1. That he presented an appeal petition on the 31st August 1900 appealing against the illegality in the trial and disposal of his claim by the Deputy Commissioner, Bangalore.
2. That subsequently he received an endorsement no: 430 dated $\frac{19}{22}$ September 1900 stating that the said Petition has been forwarded to the Deputy Commissioner for report.
3. That he prays that a day may be fixed for the hearing of the said petition along with the report of the Deputy Commissioner thereon.
4. That he may be permitted to engage an advocate in the case as prayed for in his petition dated 9th October 1900.

That for this act of kindness your petitioners
 will ever pray.

Bangalore }
 25th April 1901

At 1030. 5000 20. 25

[illegible]

By Order

Drayton

C.

For Secretary

26

References
22.5.01

Ex. 45841

1909

219/800-9304 20-5-01

P.1764

30/5

Reps put up

30.5.01

Suled

May this be forward
ed to the Dy. Commr, in
continuation of this office

Pro: no 9304 dated 20.5.01

P.1764

31.5.01

No this is an appeal
against the Dy Commr's order
saying that pet^r is liable to
pay the balance of the amount
due by the defaulting contractor
B.C. Rindappa
Setti. No sale has yet
taken place & at this stage it
is the Ex use Dept. who should
with this. To Ex use Dept
for disposal

by 6/6/01

No. 2358

Name of Petitioner Vann Pullappa Setti

Village

Taluk

District

Jumkies

Date of Arzi 30-4-01

Date of Receipt 11-5-01

Date of Disposal

No. of Enclosure

ABSTRACT

States that he was a security to Messrs
B.C. Rindappa Setti and Ransurappa
Setti who had taken the road contract
of Bangalore City in 1898 - that as there was
an outstanding of Rs. 12000 due by the
contractors their properties were attached
that when they were about to be sold
one Rumbacappa stood as security and
paid up the account in full to Govt.
that there is no outstanding against
the contractors - that subsequently one
Rajku Venkatachallamma set up her
claim for the attached articles on the
ground that they had been hypothecated
to him - that on this the Dy. Commr. decided

that a sum of Rs. 347/- was still due by
the contractors and that the amount should
be recovered from the petitioner and
addressed a letter to the Dy. Commr. Tumkur
in the matter - that this is wrong - that
he is at a loss to know how this sum of Rs.
347 was due while the full amount shown
as outstanding in the notice has been paid
and that he has enclosed the endorsement
forwarded to him by the Dy. Commr. Bangalore
District which is to the following effect:-

End of LF- 1-01.

Since he was surety to Abkari Contractor
Rudrappa Letti & his predecessor had
ordered that the arrears due by the said Con-
tractor should be recovered from him

Pray that on perusal of all the records
the order of the Dy. Commr. may be set aside
and that pending disposal of this petition
the Dy. Commr. Tumkur may be asked
not to take any steps for the ^{recovery} collection of
the amount from him

A.K.
24/5/01

Joey

Exercise de

50

20/06/2021

176

சென்னை

1898-99 ~~and the following~~

உயரகிரிமலை - 2017 ஜூன் 26

ॐ नमो भगवते वासुदेवाय

347-2-09 was-eword

... 22 ...

[Handwritten signature]

စာအုပ်အား ဖတ်ရှုသူတို့အား အကျိုးပြုစေရန် ရည်ရွယ်ချက်ဖြင့် ရေးသားခဲ့ပါသည်။

1. *Handwritten text, likely bleed-through from the reverse side of the page.*

25/12/2017

1894

ॐ नमो भगवते वासुदेवाय ॥ श्रीगणेशाय नमः ॥
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శ్రీమద్భగవద్గీతా ప్రకరణములు

Handwritten text in a cursive script, likely a signature or a name, written across the bottom of the page.

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2002-03-01

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2

свои

[Illegible handwritten signature]

278

H. Paul

20/1/87

2025-05-25

25-2002 of 650

உள்ளே

ॐ नमो भगवते वासुदेवाय

10

S.R. 74174900-01/4
8413.

42
Proceedings of the Court:
of Mysore

Read :-

Petition of appeal to:

430 of 31.8.00 presented by
Paganu Venkatabhelamiah
of Bangalore City, against
the Dy Commissioner's order, in
re his claim ^{as mortgagor} ~~for~~ ^{hypothecated} certain ar-
ticles of furniture, belonging
to B. G. Rudappa Chetty & his
brother of Bangalore & which
were hypothecated to him.

2. Correspondence ensuing
with Dy Commissioner's letter no
1300 of 22-2-01, reporting
on the above.

3. Records of the case

Facts of the case.

B. C. Rudrappa Chetty and
Hanjundappa Chetty defaulted
to the extent of Rs 11,117-5-8
being the excise arrears for
1898-99. The property of the
defaulters, ^{household} furniture
horses were attached on 5-1-99
& many of these were sold on
the 9th 23rd + 24th October 1899.
The defaulters requested Mr K.
Puttanna Chetty then then Dy. Govt.
to release the remaining property
as they had arranged with Gumbassappa
by private sale, to pay the balance
still due to Govt. The Dy. Govt.
then ordered the release in favour
of Gumbassappa on 26.10.99. In
the meanwhile on 23.10.99, while
the sale was going on, the present
petitioner P. Venkatachelaiah
put in a claim before the Dy. Govt.
for some of the articles as by
Cavee under a deed executed
in 5-8-98 i.e. prior to the date
attachment by the Govt.

* Mr H.P. Puttanna
Chetty

44

This petn: was referred to Mr C. Rajagopalachari on 26.10.91 for enquiry. ~~On~~ About a month and a half after he ordered notices to be served. Mr H.R. Srinivasengar then enquired about the case & found that the claim was valid, that out of Rs 561 realised by the sale of articles found to have been hypothecated, Rs 347 ^{might} ~~may~~ be paid to him deducting the proportionate commission of Rs 214 due to the auctioneers. Among the articles made over to Gumbasappa were also some articles which had been hypothecated to petr:. The Dy Commr: ordered that Rs 347 ^{might} ~~may~~ be recovered from the surety of the defaulter & paid to petr: ^{the latter} ~~who~~ contends that he should be paid Rs 4000. that the Dy Commr: should not have restored the property or allowed a private sale while his claim was pending disposal under Sec 192 of L.R. Code.

Rajagopal

Refers 347 has actually been
credited to Government.

Order thereon: Rs. $\frac{9304}{P.1764}$ of 2.15.01.

Government observe that
it would have been sa-
-tisfactory if with petition &
Claim pending the Dy. Com.
had not transferred the
articles under attachment
to Gumbasappa's private
sale effected by the defau.
The petitioner however
an equitable claim &
Govt. for Rs 347/- which
has been found to be the
value of the articles hyp-
-othecated to petitioner &
the Commission due to the
auctioneers. This amount
may be paid to the petitioner.
He has no claim against
Govt.

246

Govt for any larger
sum

2. The Deputy Commr:
is requested to report
if any further steps
have been taken by ~~the~~
~~the~~ Commr him to recover
the balance of the arrears
due from the defaulter.

bft-
C₁


For Secretary.

To

The Dy Commr: Bangalore
District together with the
records received with his
letter no 600 of 11.10.00 -
through the Ex. Dir. Comr


11/5

S. R 197-1900-1

~~418~~

818 14

16

527
Draft washer order
To W. J. G. G. G.

The Excise Commr
in Mysore

No 10068 820.6.1901
Ex 515

Dated June 1901

It has the honor to
request that the Excise
Commr will be so good as
to instruct the Deputy
Commr, Tumkur District
to stay further proceedings
in the matter
in the matter of pending
disposal by Govt of the
petition now presented by
Vani Puttappa setty of
Tumkur complaining that
through his liability as
surety to B. C. Rudappa,
Toddy contractor ceased
when his arrears due to Govt
were finally adjusted,
the Deputy Commr has

now directed the recovery
of Rs 347/- said to be due
to me Popadu Venkatacheli
the mortgagee of certain household
~~furture~~ articles of B. Rudappa, which
was sold for arrears of toddy revenue.

" B. O

ll
20/6/11
For Secretary

10
20/6/11
no 10069 dated 20th 8. 1901
ex 516 10

Copy to the Dy. Commr. Tanjore
with the request that further
proceedings be stayed
until further orders.

R. B. Ch.
ll
20/6/11 For Secy -

H To

S.R. 177900-1

~~8/15~~
8/15The District Commr.
in Mysore.Dated 18th January 1902No. $\frac{11793}{256}$

In continuation of
this office no. $\frac{10068}{2515}$ dated
20th June 1901 requesting
to stay further proceedings
in the matter of recovery
of Rs 347/- said to be
due from Varii puttappa
setty of Tumikere, to one
Venkatachelamiah, ^{Mortga} ~~hypothec~~
^{see} ~~case~~ of certain house hold
~~own~~ articles &c of Rudraiah
setty, which were sold in
satisfaction of ~~Government~~
arrears Abkari
arrears due to Government,
has the honor to

I request that the Excise
 Commr will be so good
 as to ~~state~~ ascertain and
 report the exact terms
 under which Gurubasappa
 got the articles still under
 attachment and before sale,
 as also whether it was
 a clear sale and purchase
 or whether Gurubasappa
 bound himself to pay
 up the Government arrears
 if the articles were restored
 to him.

2. The entire record with Gurubasappa's Mukhalef.
 dated 25/10/99 should
 be forwarded for the
 perusal of Govt.

"B D"

Devan's
 order

ll

H
 17/11

For Secretary

ke
 16/1/02.

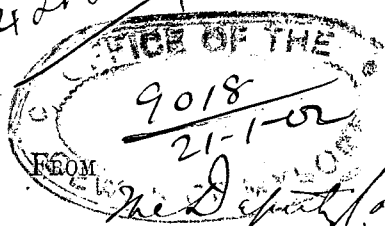
Subd to the 2nd. The draft has
 been prepared in accordance with
 the Devan's Order. ll
 16/1/02

Recd
 16.1.1902

This may go - LL No 99 referred
 (Mukhalef dated 25/10/99)
 is not in the file. ll
 Excise
 There is it? ll
 17/1/02

~~18~~

428



5712

1901/02

The District Commissioner
Bangalore District

S. R. File 178 1900-01 To

~~443~~
-4716

The Secretary to the
Govt. of Mysore
Rev & Genl Depts

Dated 18th

Despatched 20th

Received

} January 1902

General No.

No. 817

Enclosure No. one.

States that, consequent upon the receipt of a notice under Section 424 P.C. received from Mr. D. Venkataramappa, Advocate on behalf of his client Rajak Venkatachalamappa for the restoration of the hypothecated properties of R. C. Rudrapa Chetti late Toddy Contractor, the Advocate has been informed of the final orders of Court in the matter.

421/1

Correspondence moving with
11793 of 18/1/02. to G. Comr.
4256
put up - also with Vice
the continued.
upon

G. No 817
Bangalore

Commissioner's Office
Bangalore 17th January 1902

From,

Mr. S. Narayan Rao Esquire
Deputy Commissioner
Bangalore District

To,

H. V. Nanjundayya Esquire.
Secretary to the Government
of Mysore
Revenue and General Departments.

Sir,

I have the honor to
submit for the information
of Government, a copy of notice
issued under Section 124 of
the Civil Procedure Code by
Mr. D. Venkataramayya, Advocate,
on behalf of his client Pogathu
Venkatachalumayya for the
restoration of hypothecated
properties handed over
to

5976

to Gurn Basappa late Surety
to B. C. Rudrappa Chetty and
his brother

2. The said Venkatachalamayya
appealed to Government regarding
these properties and final
orders were passed in Government
Proceedings No: $\frac{9304}{P1764}$ of the 21st
May 1901. that the value of
the articles hypothecated viz
Rs 347/- less Commission in-
-curred for selling them, may
be paid to him and that
he has no further claim
against Government for
any larger sum.

3. The Advocate has been
informed that nothing could
now be done, as final
orders have been already
passed by Government & in
the matter.

I have the honor to be,

Sir,

Yours most obedient Servant

W. C. C. C. C. C.

Deputy Commissioner
Bangalore District

W. C. C. C. C.

1762
Custody only the ^{remaining} movable properties
hypothecated to my client under the —

hypothecation deed executed by B Rudrabha
Nanjundappa Setty and Mallappa's guardian Rudrabha Setty
Setty, dated 5th August 1898. When the Govern-

ment attached all the movable properties

belonging to the said Rudrabha Setty and

his brothers towards the realization of

Government dues of Rudrabha Setty as

Joint Contractor, my client preferred his

claim and prayed for the release of only

the properties hypothecated to him. Without

adhering to the provisions of the Land

Revenue Code, the properties under —

attachment ^{which} included the hypothecated

properties and other properties of the

Contractor and his brothers, were handed
over

over-indiscriminately to third parties under your
order No 97 dated 25th October 1899 issued to the Auctioneers
Messrs Gorthasaratni Mudaliar and Co. In the —

enquiry concluded subsequently, the Assistant

Commissioner confined himself only to the

hypothecated properties partially sold by

the Auctioneers and ordered Rs 474 to be paid

to my client. My client's request to decide his

claim as brought forward in his petition

has not been fully investigated. Although

my client preferred an appeal to Government

and prayed for a hearing to be given to him

it has not been given. On your ex parte report

the Government has passed an order directing

the payment of Rs 374 instead of Rs 474 based
upon

after calculations which my client is not able
to understand. My client therefore prays
that this may be taken to show as a notice
under Section 424 of the Civil Procedure
for the restoration in the original estate
of the remaining hypothecated properties
under attachment and illegally handed
over to third parties before the disposal of
the client's claim or so far, the full amount
as damages due to my client under the claim
and of no other amount Rs 4000 (four thousand
only) being, when a suit is filed or filed
for the recovery of Rs 4000 only such amount
as my client is advised to ask.

(Sd) S. Venkataramanyo
Advocate.

Copy sent
19th September 1907.

"Copy"

By Commission
Kannan

65 22

17

The Excise Commr
in Mysore

19

S.R. 177900-1
~~487-16~~
17

Dated 23rd January 1902

No 12191
4261

In continuation of
this office no 11793 dated
Ex 256
the 18th instant, has the

honor to forward herewith
for information

Copy of communication

received from the Deputy

Commr, Bangalore, in

the matter of a notice

issued to him by Mr D.

Venkataramayya advocate

on behalf of his client

Poappu Venkatachalamiah

mortgagee of certain articles

belonging to B.L. Rudrappaiah

defaulting to the Contractor

for the restoration of the

mortgaged property to

the lawful ~~custody~~ custodian,
and to state that the ~~report~~ ^{in the matter}
already called for, may
be submitted at an ~~early~~
date.

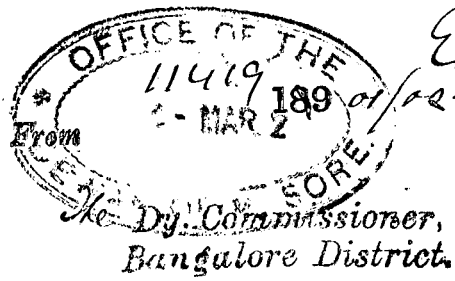
"S. O

41
21/1/02

Secretary

22/1/02

100
21/1, 02.



S.R. 17990-1
846 219
18

To The Secretary to the
Govt. of Mysore,
Revenue and Land Depto.
Dated 28th February 1902
Despatched 1st March

Received

General No.
No. 994.

Enclosure No. 3.

Enclosures
sent in orig
to the Secy
with a D.O. of
5/3/02

This office letter No 817 of the
18th January 1902

Submits for order copy of a
docket from the Registrar of
the High Court of Mysore with two
of its enclosures in the matter of a
notice issued by M. D. Venkataramany
Advocate on behalf of his client
Pagaku Venkatachalamayya

[Signature]

[Signature]

Recd 5. 11/3/02
4/3/02
I think this should
go to the Secy
ascertain at
once.

Very Urgent
From 190

69 24

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

S. R. 17-7900-31
847 822
19.

20 Urgent Comm

Dated } 4 March 1902
Despatched }

Received

General No. 309
No. 4 309

Enclosure No.

This Office No. 11793 & 12191
dated 18/1/02 & 23/1/02
respectfully calling for
further information in
the matter of the recovery
of Rs 347/- due from Veni Peta
Self of Tumkur forwarded
to Pogaku Venkatachalam
& the restoration to him of
centu house hold articles
mortgaged to him by B. C. Reddy
of H. late toddy Contractor
and subsequent remainder marginally noted.

write
Has the honor to draw attention to the
above and to request an early reply thereto.
as a such has been instituted
in the Chief Comm by the
Pogaku Venkatachalam
By Order,
Beech alone
d the same has to be
heard on the 20th inst.

C.R. 17990-01 ~~25~~
822020

No. 4310 of 5/3/02
To

The Deputy Commr
Bangalore Dist

Dated 5th March 1902

No.

~~My dear Sir~~
His letter no 294
of the 28th ultimo sub-
mitting for early orders
of Govt, copy of communi-
cation from the Registrar
of the Chief Court of
Mysore in the matter of
a suit being filed by
one Popakur Venkatachela-
miah against the Dy. Commr.

With reference to the
above has the honor to
invite the Deputy Commr's
attention to the Govt. Pro^o
no 4668-79-Cir 137, dated
25th September 1898,

laying down the procedure
to be ~~adopted~~ followed
in connection with ~~for~~
suits filed against
Government officers, and to
request that the necessary
action may be taken
in accordance with ~~advice~~,
those proceedings. If
necessary, the Govt. ^{will have to} ~~may~~
engage the Govt. advocate
and ask him to move
the Chief Justice for an
adjournment.

B D

Amr

For Secretary

11/13/02

Very Respectful

S. R. No. 17490-01/21
21

nos

11793 of 18/1/02
4256

12191 of 23/1/02
4261

4309 of 4/3/02

100. of 5/3/02

To The General Manager
No 4329 27
72

of 11/3/02

20

~~The General Manager~~
Has the honor to
invite reference
to the marginally
^{noted} Communications
from this office
in the matter of
the Civil Suit
filed ~~by~~ ~~filed~~ by
one Pargaku Venkatar
Chalamiah in
the Chief Court
against the Dy
Commissioner of Bangalore
District, and to request
the favor of a
very early reply
thereto as the date
of the hearing of
the Suit is drawing

Very Urgent

No 4330. 74 29

D. W/3/02

~~25~~

No

Under Secretary

Bangalore District

S. R. 17790-01

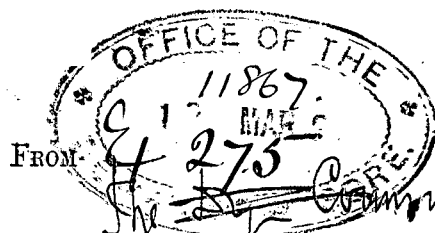
225

Has the honor to
invite reference
to this office no 4310
of 5/3/02 in the matter
of the Civil suit
filed by one Pargah
Venkatachalamiah
in the Chief Court
against the Dy Comm.
Bangalore, & to request
the submission of
a very early report
on the action taken
by him in the
matter

B. L.

W. 11/3/02

For Secy



75 30
1901/02

16

FROM: The Dy. Commissioner
Bangalore District

To: The Secy to the
Govt of Mysore
Hvy & Pub. Works.

Dated 11/15 }
Despatched 12/15 } March 1902
Received

General No.
D No. 1032

Enclosure No.

S. A. 1779-900-01

84 23

Secy's docket NO $\frac{310}{25}$ of the
5th March 1902.

States that the Govt Advocate
has been instructed to move the
Chief Court for an adjournment
of the case of Pogaku Venkatasubramani
against the Dy Commr of Bangalore
for 3 months.

Excise
12/31/02

From Secretary to Government, Revenue and General
Departments No: 11793 dated 18-1-02, 309 dated
24-3-1902 To the Excise Commissioner in Mysore

7730

Bangalore, I have the honor
to state that the Government
Advocate has been instructed
to move the Chief Court for an
adjournment for 3 months under
Section 423 of the Civil Procedure
Code.

The entire file on the subject
has been forwarded to the
Excise Commissioner for trans-
mission to Government as per
your requisition noted in
the margin.

I have the honor to be
Sir,
Your Most Obedient Servant
M. S. Narayanaiah

Deputy Commissioner
Bangalore District

9/11/02

2839

*Proceedings of the Dewan to His Highness the Maharaja of Mysore,
(Judicial),—dated 25th September 1888.*

No. 4668-79 —CIR. 137, DATED BANGALORE, 25TH SEPTEMBER 1888.

ORDER.—In *re* suits against Government officers against their proceedings as Government officers, the following rules are prescribed for their information and guidance :—

1. On receipt of notice under Section 424 of the Civil Procedure Code from parties intending to file suits against Government officers, the latter shall at once send for the records of the case which gave rise to the complaint and satisfy themselves as to the reasonableness or otherwise of the threatened action.

2. If, after careful examination of the case, the complaint be found reasonable, the officer concerned shall, if he has jurisdiction and is otherwise competent to do so, grant at once the redress sought for. If the granting of the redress he considers reasonable, be not within his jurisdiction, he shall at once apply to Government for orders.

3. If, however, the complaint be frivolous and not based upon any right, he will collect information for conducting the defence, but will, at the same time, submit to Government for its information a report of the case.

4. The reports to Government to be submitted under paras 2 and 3 above must be brief, but should contain a clear statement of the facts and law at issue, with the officer's opinion upon the same, and be accompanied by a copy of the order complained of. They should reach the Government at least a whole fortnight before the expiry of the two months allowed by Section 424, Civil Procedure Code.

5. On receipt of summons from Courts giving formal notice of the suit, the officer concerned shall, whenever the time fixed for answering the plaint is insufficient, obtain an extension of the same (generally for three months from date of service of summons) under Section 423, Civil Procedure Code, and shall, at the same time, submit the case for the orders of the Government. The reference should refer to previous correspondence with, and orders of Government, if any, on the subject of the suit, and be accompanied by the draft of the written statement which the officer sued may propose to file, together with brief arguments in support of each ground. The Government Advocate will thereupon be consulted by Government in all important or doubtful cases. The report under this para should reach the Dewan's office at least a whole month before the date fixed for the hearing of the suit.

6. Similarly early intimation of adverse decrees shall be given to Government to decide in consultation with the Government Advocate as to further proceedings in higher courts.

7. The conduct of the defence shall, in districts where there are Government Prosecutors who are at the same time enrolled Pleaders of the Chief Court, be entrusted to them; in other Courts, to the best local Pleader.

8. In complicated cases requiring greater experience and legal knowledge, the services of the Government Advocate may be applied for through Government.

9. The remuneration for the conduct of the defence shall ordinarily be the maximum amount calculated according to rates of costs of the suit assessable by the Court, together with such additional sum as may be fixed by Government in each case upon the report of the officer under para 5 above. Where the Pleaders may have to travel to put in appearance in the Courts, travelling allowance at the rate of three rupees a day or a mileage at six annas will be passed.

10. It must be distinctly understood that the Government are not bound to defray the costs of the defence in all suits. The officers concerned must undoubtedly bear them where their proceedings have been condemned as irregular and quite opposed to law, or to the standing order of Government or the established practice of the Department concerned.

R. VIJAYINDRA RAO,
Chief Secretary.

The—The Deputy Commissioners of Districts.
The Public Prosecutors of Mysore and Shimoga.
The Registrar, Chief Court.
The Government Advocate.

1888.
GOVERNMENT OF MYSORE

JUDICIAL

PROCEEDINGS

Dated 25th September 1888.

No. 4668-79.
Cir. No. 137.

Rules for the conduct of suits filed
against Government officers.

4276 Urgent 80353
FROM OFFICE OF THE
11870.
12 MAR 2 1901/02
The Dy. Commissioner
Bangalore District

17/1900 27
S. R. H. P.
24

To

The Secretary to the
Govt. of Mysore,
Rev and Genl Depts.

Dated 12th

Despatched 12th

Received

General No.

No. 1034

Enclosure No. *nil*

Seeys Remunder no
330 of 11th March 1902

States that the report
regarding the action taken
in the matter of a civil
suit brought by Pofaku
Venkata chelameiah, was
already submitted

Execd
12/3/02

N. No. 1034

Bangalore District
Dy. Commissioner's Office
Bangalore 12th March 1902.

Sir,

M. S. Narayana Rao Esq.,
Deputy Commissioner
Bangalore District,

4

H. V. Nanjundappa Esq.,
Secretary to the Chief Magistrate,
Devanahalli District.

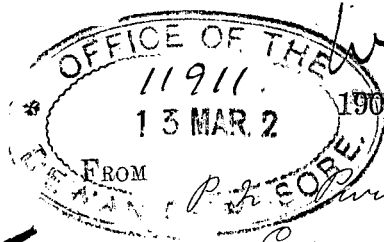
With reference to your communication
No. 230 of the 11th inst. in the
matter of the civil suit filed by
one Papanna Venkatasubrahmanya in
the Chief Court against the Deputy
Commissioner of this District I
have the honor to invite reference
to my letter No. 122 of the 11th inst.
which was forwarded to your
Office this day previous.

I have the honor to be
Sir
Your most obedient servant

M. S. Narayana Rao

Dy. Commissioner,
Bangalore District.

[Signature]



Urgent 8235
Excise Commissioner in Mysore

To *H. V. Nanyundiah Esq. M. A. M. L.*
Secretary to the Government of Mysore.
General & Revenue Department

Dated *12th* March 1902.

Despatched — *00* —

Received

General No. *5604*
No. *243*

Enclosure No.

States that urgent reminders have been sent to the Deputy Commissioner, Bangalore District, for the requisite report and records in the matter connected with the civil suit filed by Bogathu Venkatachellamiah.

Excise
13/4/02

S. R. 1971900 - 01
8225

*400
15.1.02*
S.R. 17 of 1900-01 ~~30~~
826

FROM

*The Excise Commissioner
in Mysore.*

TO

*The Secretary to Government
General and Revenue Dept.*

Dated 14th March 1902

Despatched — do —

Received

General No.

No.

245

Enclosure No. 1 + 3 files

With reference to
correspondence ended with
Secretary's last reminder
No. 309, dated 4th instant,
Submits copy of Bangalore
District Deputy Commissioner
communication, together with
his own opinion in the matter
of Kencatachelamiah's
civil suit against the
Deputy Commissioner and
others for the recovery of
the amount due to him
on account of certain articles
which had been mortgaged to
him by R.C. Rudrappachetty, having
been sold by the Deputy Commissioner.

Excise Commissioner's office,
Bangalore, Dated 14th March 1902

From
The Excise Commissioner,
in Mysore.

To
The Secretary to Government of Mysore,
General and Revenue Departments.

Sir,

With reference to the correspondence ended
with your last reminder No 309, dated 4th instant,
I have the honor to submit herewith a copy
of docket No 98, dated the $\frac{12^{\text{th}}}{13^{\text{th}}}$ instant, from
the Deputy Commissioner, Bangalore District,
together with the two files of papers with
received, and to state that B. C. Kundappa
Chetty and his brother Hanjusedappa Chetty who
were the Bangalore City today contractors for
the year 1898-1899, failed to pay up their
arrear dues to the extent of Rs 1117 - 5 - 8.
For the recovery of this amount their moveable
property was attached on the 5th January 1899,
and entrusted for sale to Perthaswamy Mudaliar
and Co; Commission Agents, Bangalore City. Some
of

of the property was sold by the Commission Agents on the 9th, 23rd and 24th October 1899. When the defaulters requested the Deputy Commissioner Mr. Puttannaiah to release the remaining property from attachment, as they had arranged with Gumbasappa and Huchappa by private sale of their property to pay all the arrears due by them to Government. Accordingly the Deputy Commissioner ordered on 26th October 1899 the release of all the remaining property in favor of Gumbasappa and Huchappa.

2. On 23rd October 1899, when the aforesaid Commission Agents were holding the sales, P. Venkatachalamiah presented a petition to the Deputy Commissioner that a portion of the attached property had been hypothecated to him on 5th August 1899 before it was attached by Government. On 24th October 1899 this petition was referred to the Assistant Commissioner Mr. Raja Gopalachari for enquiry and report. After a delay of about a month and a half

half, notices were ordered to be issued to the parties. From Venkatachalamiah's petition, dated 23rd October 1899, it is apparent that he represented to the Deputy Commissioner once before, his claim to the hypothecated property and prayed for its release, but that no orders were passed on it. No such previous representation is on the file. On the 18th December 1899, Mr Srinivasasayengar, Assistant Commissioner, heard Venkatachalamiah and posted the case for enquiry on 23rd December 1899. On 3rd January 1900, Mr Srinivasasayengar reported to the Deputy Commissioner for orders the fact of his finding that a portion of the property already sold by the Commission Agents and a portion of the remaining property transferred by private sale to Gumbasappa, had been hypothecated by a document to Venkatachalamiah; and ^{on} 29th May 1900, he sent a memo. to the Deputy Commissioner pointing out that the hypothecation in favour of Venkatachalamiah.

906^{rs}

Venkatachelamiah having been made in August 1898, before the property was attached by Government, Venkatachelamiah had a prior claim; that out of the hypothecated property, the Commission Agents had sold articles of furniture for Rs 561; and deducting from this sum the proportionate share of commission, namely Rs 214, the balance viz Rs 347, should be paid to Venkatachelamiah; and suggested that this sum of Rs 347 should be recovered from the defaulters' Surety Vaniputtappa Satty and paid to Venkatachelamiah. Accordingly the Deputy Commissioner on 1st June 1900 ordered that the amount should be recovered from Vaniputtappa Satty and paid to Venkatachelamiah. Against this order the latter appealed to Government. After getting a report on this from the Deputy Commissioner, in his letter No 1300, dated 22nd February 1901, the Government in their proceeding No 9304, dated 21st May 1901, observed that

it

it would have been satisfactory if with petitioner's claim pending, the Deputy Commissioner had not transferred the articles under attachment to Gurusasappa by private sale effected by the defaulters; the petitioner however has an equitable claim on Government for Rs 347 which has been found to be the value of the articles by process to petitioner less the commission due to the Auctioneers; this amount may be paid to the petitioner; and he has no claim against Government for any larger sum. On 19th February 1902 Venkatachalamiah presented a petition to the Deputy Commissioner stating that under protest he was ready to receive the said sum of Rs 347 without prejudice to his claim under the mortgage deed. The Deputy Commissioner has given him an endorsement stating that the money has to be paid to him after it is recovered from Vani. puttapasatty.

3. Under the above circumstances,
H.O.

the civil suit has been filed by Venkatachelamiah against the Deputy Commissioner and others for the recovery of the amount due to him on the mortgage deed.

4. The Deputy Commissioner in his order dated 26th October 1899, has directed that the unsold properties be released from attachment in favor of Gumbasappa and Huchappa and assigned to them as agreed to by Rudrappa Shetty and Hanjundappa (Defaulters); and that such interest as the Government possessed in the said properties will henceforth rest in the said purchasers Gumbasappa and Huchappa. It is thus clear that the unsold property was transferred to them subject to encumbrance and accordingly they are liable for the payment of the money due to Venkatachelamiah.

Venkatachalamiah. Any acknowledgment or other document taken from them on account of the articles made over to them is not in the file. The Deputy Commissioner has been addressed on the subject.

5. In the Surety bond executed by Gumbasappa (No 5) on the file) on 25th October 1899, before the Deputy Commissioner, no mention whatever is made of the articles made over to him. In it Gumbasappa simply binds himself to pay the remaining arrears due by the defaulters, after deducting the items therein enumerated.

6. The enclosures of your D.O. of 5th March 1902 are herewith returned.

I have the honor to be,

Sir,

Your most obedient Servant

M. S. S. S.

Deputy Commissioner
in charge

1901-02

8439

FROM

M. S. Narayan Rao Esq.
Deputy Commissioner
Bangalore District

TO

P. H. Purnanaya Esquire
Excise Commissioner
in Mysore

Dated 12th March 1902.

Despatched 13th

Received

General No.

a No. 98

Enclosure No. 2 files

In continuation
of this office docket
No. 96 of the 7th instant,
has the honor to
forward herewith,
the entire correspondence
connected with the
properties of B. C.
Rudrappa Chetty
and his brother,
restored to Gurubasappa
binding himself to
pay up the arrears
due to Government.
2 It was not then
necessary.

necessary to ascertain whether Gurus-
basappa bought himself all the
properties or not

3. Rudrappa Chetty's petition, the then
Deputy Commissioner W. K. P. Puttanna
Chetty's order and the muchalikas
executed by Vanni Puttappa and Gurus-
basappa, are in the files marked 62, 63
48 and 59, respectively,

Sd/- M. S. Narayan Rao +
Deputy Commissioner
Bangalore District.

'Copy'
M. S. Narayan Rao

Excise Commissioner
in Mysore.

Sd/-

The file is
before the 2nd on
4/4/02

9449

S. R. 177/1902-B1
427

To

The Deputy Commr
Bangalore Dist.

Dated ^{22nd} ~~18th~~ March 1902.

15839
no 339

It is letter no 1032
of the 11th instant, reporting
with reference to this office
no 310 dated 5th March 1902.

That the Govt Advocate
has been instructed to move
the Chief Court for an ad-
journment of the hearing
of the suit filed by P. Raju
Venkatachalamayya, mort-
gagee of certain household
furniture of B. C. Rudrappa,
defaulting to the contractor.

With reference to the

above has the honor to

state that the Dy. Commr's
action in instructing the
Govt Advocate to apply for
an adjournment is approved
and ~~to request~~ that a report
as to the result of that applica-
tion is awaited and
should be submitted as
as quickly as possible,
through the Excise Commr
in Mysore. " B. O. "

H. S. / 3
Secretary

Copy to Excise
Commr in Mysore for
information.

no $\frac{15843}{340}$

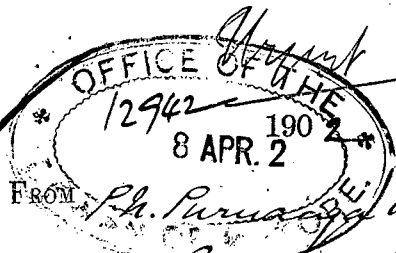
B. O.

H. S. / 3
Secretary

8/3/02

Submitted to 2^d ✓

32



Ex 310

9657

The file is before the 2nd Councillor (submitted to him on 23/3/02).

Ka
6/4/02

11/4/02

To H. V. Hanjundayya Esq. Secy. to the Govt. of Mysore
Ex. & Rev. Depts.

Dated 4th April 1902.

Despatched 8^c - do -

Received

General No. 6256
No. 269
Enclosure No.

S. R. File 17700-01
6/4/02

States that the suit filed in the Chief Court by Pogaku Venkatachalam against the Deputy Commissioner, Bangalore District, has been adjourned to 18th July 1902.

Excise
8/4

Office of the Excise Commissioner
in Mysore,
Bangalore, dated 7th April 1902.

From

P. K. Purnaiya Esquire B.A.,
Excise Commissioner
in Mysore.

To

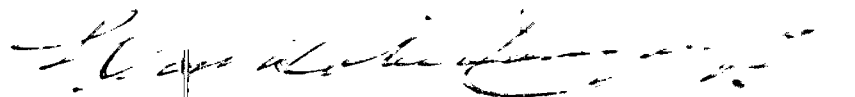
H. V. Hanjundayya Esquire M.A.,
Secretary to the Govt. of Mysore,
General and Revenue Dep^t

Sir,

With reference to your docket
no. $\frac{15839}{339}$, dated 22nd March 1902, to
the Deputy Commissioner, Bangalore
District, I have the honor to state
that the Suit filed in the Chief
Court by Pogaku Venkatachalaniah
against the Deputy Commissioner,
Bangalore District, - has been ad-
X journed to 1st July 1902.

I have the honor to be,
Sir,

Your most obedient servant


for Excise Commissioner
in Mysore.

67

Urgent

9853

No. 501 Ex. 3 files

Dy. 21/5/02

S. R. 179/1900-01
8.2.9

The Dy. Commr
Bangalore Dt.
Through the Dy. Commr
in my name

In returning for
reference and very
early publication
the records received
with the Dy. Commr
letter No. 5653 dated
the 14th March 1902 re
a suit instituted
by M. Venkateshram
with against the Dy.
Commr & three others, for
the honor & fear
the Dy. Commr attention
to the standing orders
contained in the No.
4668-79- Civ. 137 of
25th Sept 1888 and
to request that the
copy of the report

Statement which he
proposes to file together
with brief arguments
in support of each
ground, be filed
as quickly as possible

2. It is understood
that the Court has been
advised by letter
No. 6256 of 27 April 1902
that the Court has been
advised to set aside

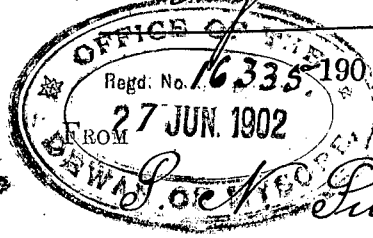
3. The enclosures to the
by letter No. D 994
of 28/2/02 are also
herewith sent with
a request that they
be returned when same
with a copy with the
written statement
called for above.

20/5/02
J. J. J.

Q
20/5/02

Recd. late in the evening on 20/5/02
issue at and

Very Urgent-



Ex. 48

10358

Excise Commissioner
in Mys.

To

L. Anantaswami Row
Offg. Secretary to the

Dated 27th } Government of Mys.
Despatched 27th } General & Revenue Dep.
Received } June 1902

General No. 8671
No. 424

Enclosure No. 3 file & the Statement

In reply to Secretary's docket
No. 539 dated 17th instant.
Ex 1

Subject

Submits herewith
the entire records together
with the written statements
received from the Deputy
Commissioner, Bangalore
District to be filed in
the Chief Court in O.S.
No. 5 of 1901-1902 instituted
by Dogaku Venkatachalam
against the Deputy Commissioner,
Bangalore District and
others.

Exe
27. vi. 02.

S.R. 17 07 1900-01
8630

Recd today August 60
No $\frac{49}{472.98}$ Recd: one & V.P.
by 8/7/02

S.R. 177 900-1
231.

to The Deputy Commr
Bangalore Dist
Recd. The & Commr
in Mysore

Relied.
It is learnt from the Court-
adviser that the Smith
is adjourned to 23rd instant.
Hence the draft to the Dy Commr
thru. the & Commr.

Has the honor
to return herewith
the written statement
and the records received
with the & Commr's
letter no. $\frac{8671}{424}$ dated
the 27th June last in
connection with the
Civil suit filed in
the Chief Court by
Pogaku Venkatachala
miah against the
Dy Commr Bangalore
Dist & others and to

request that a
fair copy of the
written statement
~~be filed in the Court~~
as slightly altered
in this office. be filed
in the Court and
that the Court Advocate
be asked to contest
the point -

Ble

2nd order) H 8/7/02
aff. Seuerf.

Keep a copy of the Written
Statement in the Office
H
- 8/7/02

10768

In the Chief Court of Mysore Bench
O.S. no 5 of 1901-02

<u>Plaintiff</u>	<u>Defendants</u>
P. Venkatachalam Chetty	H. H. Sparkes Esqrs, by Comr. Bench and 3 others.

Written Statement of the 1st Deft
under Section 120 of the Civil Pro. Code

- I The Plaintiff's alleged hypothecation of moveable property without possession does not confer on him any legal valued rights.
- II The plaintiff had no possession of the property claimed.
- III Plaintiff has no right to claim the possession of property in dispute or the payment of its value.
- IV The property was attached while in the possession of Defendants 2 to 4 and it was ordered to be given to the possession

of one Gumbasappa at the instance of Defendants 2 to 4 for whom the said Gumbasappa stood security -

V The suit is bad for defect of parties.

VI Gumbasappa must be made a defendant in the suit

VII The 1st Defendant is not in any way liable to the Plaintiff's Claim -

VIII The Plaintiff preferred his claim long after the attachment

IX Plaintiff's Claim is not bonafide.

X Plaintiff has no prior right over the property hypothecated in the absence of possession

XI Plaintiff is not entitled to the whole or any portion of the damages claimed nor is

he legally entitled to the
amount ordered to be paid to
him on purely equitable
Considerations

III The restoration of the funds
if Plaintiff is entitled thereto,
has not been made impossible
by the act of the 1st Defendant,
as stated by the Plt^y in the plaint.

The 1st Defendant alone
named do declare that what
is stated above is true to the
best of my knowledge and
belief -

By H H Sparker
By Forner
27/6/02 Paul Lombard

Cofey

8/7/02
Offg. Secretary

As slightly altered by
the 2nd Committee
true
8/7/02